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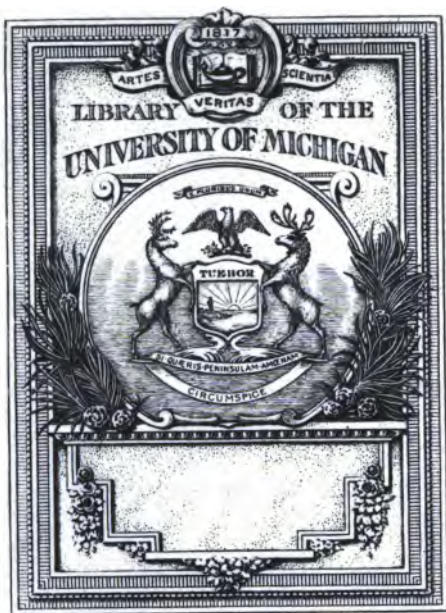
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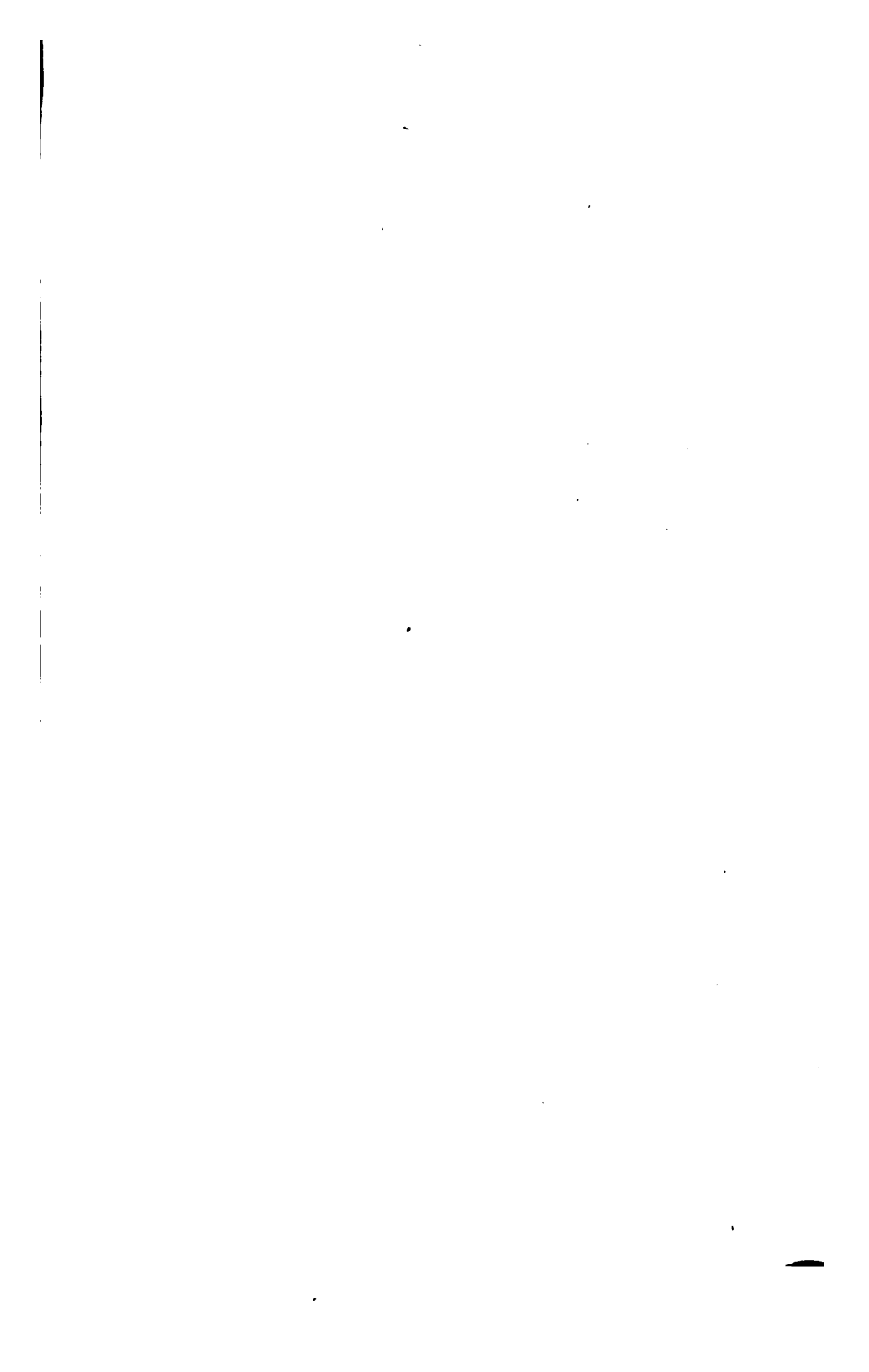
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The Pamphleteer;

RESPECTFULLY DEDICATED

TO

BOTH HOUSES OF PARLIAMENT.

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1818.

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE

OF THE
LANDS BELONGING TO THE
STATE OF NEW YORK
IN THE YEAR 1887

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A METHOD
OF
INCREASING THE QUANTITY
OF
CIRCULATING-MONEY:

UPON A NEW AND SOLID PRINCIPLE.

NOW FIRST PUBLISHED.

1817.

NO. XXI.

Pam.

VOL. XI

A

PREFACE.

THE following pamphlet is a republication of two letters that appeared on the subject in question, in 1799. It will prove that the proposal of issuing Stock Debentures, is not, as many now erroneously suppose, a new question; and it will also shew that, however ingeniously many authors have considered it, it is not only more feasible than many will allow, but that it involves more interesting speculations than most, from the want of sufficient data, have the opportunity of indulging in.

INTRODUCTION.

THE principle of this proposal is to put a new and great capital into circulation, by loans of money, to be *created* in the manner and upon the foundation described in the following letter, addressed to a member of the late Secret Committee of the House of Commons on Bank Affairs.

The gentleman, to whom the letter was addressed, (whose name, if I thought myself at liberty to mention it, would add much authority to the whole proposal,) being himself struck with the novelty of the measure, and its apparent tendency to public utility, has been the means of procuring a considerable degree of favour to it elsewhere.—But, if I were to say more of this, it could only be with a view to obtain attention,—not to influence the *public judgment*, which alone can decide in this case, as in all others where public credit is concerned.—Therefore, I shall only say, I have good reason to think that the *first impressions*, made in the quarter to which I allude, are still retained.

It is my intention to point out in a future letter, for which I have prepared materials, how I propose to confine the increase of money, in its first application, to the assistance of the Landed Interest; and I shall, at the same time, answer such objections as I may hear of, or which my own thoughts may suggest to me; for, I shall disguise nothing.—In the mean time, I admit that it is necessary to the practical execution of the plan, that the notes in question should be exchangeable for all commodities,—by no means excepting gold; and *exchangeable* at par: otherwise they cannot perform the office of money.—I beg permission to add, that I think this may be accomplished. And I shall shew how the security may be doubled, both in its *nature* and *amount*, without lessening the simplicity of the original design; and this to the extent of proving, it to be absolutely impossible that the note-creditors should be *defrauded*, or even *disappointed*, so long as any notion of law and property shall continue practically to prevail in Great Britain.

London, 28d. April. 1799.

A
METHOD,

&c. &c. &c.

SECT. I.—*Assumes the Necessity of an Extension of the
Circulating Medium.*

SIR,

OF late, we have heard but little of the plans for a new circulating medium, with which the public attention was much engaged about the time of the Bank's ceasing to make payments in cash. No plan of that kind seems yet to have obtained general approbation ; and, perhaps, that which I am about to submit to your consideration may not be free from objection.

I have entered thus upon the subject without ceremony ; because, Sir, the indulgence you have shewn me in the several conferences you have honoured me with on the occasion, has superseded the necessity of any introductory matter, unless I had attempted to express the feeling I have of your obliging attention in this instance, which I decline, as a task not easy in itself, and still less so, in connection with other acts of condescension which I cannot fail to recollect, though I am not able to acknowledge them in the manner I should wish to do.

IN common with all those who have preceded me in this track, I begin with assuming that there would be found great convenience in the establishment of a good, solid, circulating medium, upon a more enlarged scale than any that exists at present, and adapted to

the extended and extending state of our National Commerce, and particularly to the wants of the landed interest. If this was denied, or generally doubted, I should have little to say at present; for, if the necessity or utility of such an establishment is not self-evident, I should think the time for it is not yet come.

My experience in business, however, informs me that it is wanted. —Permanent loans of money are now, and for a long time have been, difficult to be obtained; and this difficulty must, from obvious causes, continue to increase so long as the war lasts.

SECT. II.—*Basis of a Plan for such an Extension.*

HAVING premised this, I proceed to state my plan for the establishment of a New Circulating Medium.

The basis of it, as I have remarked in what you have heard from me already, I fix upon the National Debt, which is the wealth of individuals.—For commercial purposes at least, I conceive this may be deemed solid substantial property—to a limited extent:

Suppose the National Debt due to individuals to be equal to four hundred millions (or more) of 3 per cent. annuities of the value of 50 per cent.; that is, two hundred millions sterling. This supposition is sufficiently accurate for my present purpose.

SECT. III.—*The Plan stated.*

Now, my scheme goes to the putting of a large portion, fifty millions, or more, of this property into circulation, if so much could be employed; and this I propose to be done in the following manner:

Let any stock-holder, who would wish to circulate some part of his stock, without selling it, transfer a certain quantity of it, suppose twenty thousand pounds 3 per cents. to the governors and directors of the Bank. The Bank is then to deliver to him fifty certificates, or notes of the transfer, each of them to be marked as of the value of 100*l.*, or a greater quantity in number, and of less value respectively; but the whole together to be of the amount of 5000*l.* sterling.

By this means every particular quantity of stock might produce

is a fourth part of its nominal amount for the purposes of circulation. For, I make what I believe to be a well-grounded supposition, that the mercantile world, who now take bank-notes in payment, would, with equal confidence, receive and circulate these Stock-Notes; the governors and directors of the Bank of England being, in respect to the stock to be transferred to them, trustees for those who transfer the stock, and for those who take the stock-notes in payment, (as they now are trustees for the Bank-Proprietors and the holders of bank-notes,) and the security being fully equal to that upon which the credit of bank-notes is founded:—for, the capital and other effects of the Bank (reckoning its property in stock at the present market-rate) is certainly short of twice the amount of its debts. But the stock, transferred as I propose, would be double in value to the notes circulated upon its credit.

In the case I have suggested, the 3 per cents. would be taken at 25; a supposition low enough, I should suppose, for those who give any degree of credit whatever to the public funds. There can be no doubt that bankers and others would allow 100*l.* stock to be a sufficient security for 25*l.* money, notwithstanding all the possible fluctuations to which the stocks are subject.

The notes I have described might be used for loans or for capitals to trade upon; their use in trade, and for other purposes, being supposed the same as specie or bank-notes.

These notes being, by supposition, of the same value, and passing with the same facility as bank-notes do, will be considered as cash, and consequently, if lent by the original holders, or by any others who may become the holders of them, would entitle the lender to receive interest on the loan, in like manner as the lender of bank-notes now receives interest on the loan of those notes.

The supposition that these notes would be circulated like bank-notes is essential to my plan.—That foundation taken away, the whole would be an unsubstantial vision; and therefore, if this be not assented to, it would be of no use for me to go on. But, that point granted, (subject to re-consideration,) I say that every particular quantity of stock, transferred in the manner I have stated, would yield a profit to the stock-transferrer equal to 5 per cent. on the amount of stock-notes obtained by him.

Twenty thousand pounds, 3 per cent. stock, would, as observed

before, produce 3000*l.* of stock-notes, the interest of which would be 850*l.* to be added to 600*l.*, the amount of the dividends on 20,000*l.* of that stock. Thus 850*l.* would be gained annually, instead of 600*l.*, by every proprietor of 20,000*l.* stock, who should avail himself of the opportunity of procuring stock-notes, as above mentioned.

What I have said of 3 per cent. stock, is to be applied to the other public funds in the like proportion; the 3 per cents. being mentioned only by way of example.

SECT. IV.—*Consequences of the Plan to Stock Proprietors.*

I shall pursue the supposition thus made, and shall trace its consequences to the stock-proprietor, treating the matter at present as if no other interest than his was to be consulted; disregarding therefore, at this moment, the interests of Government and the Bank of England, both of which I shall separately consider in what I have farther to say. In this point of view, I suppose the whole dividends on the stock are to continue payable to the stock-transferrers; a supposition to be corrected in the farther progress of this discussion.

850*l.* being gained annually instead of 600*l.* the value of stock may be expected to rise in proportion to the increase of gain.

In the subsequent details on this point, I shall suppose the stock-proprietor would transfer his stock to the trustees, upon my plan, for the sake of much less advantage than what I have above described; for, out of the great profit above alluded to, it is necessary to provide inducements to Government and to the Bank of England to countenance the plan.

At present I shall proceed to attend farther to the interests of the stock-proprietor.

What objection can *he* make? Can he say his stock is *tied up* and out of his power? No:—he may redeem it by bringing into the Bank a quantity of stock-notes equal in amount to those originally obtained by him. These being cancelled, his stock would be again entirely free: or he may sell the stock subject to the charge upon it: this would make it *light* to hold; which, by rendering the stock more marketable, would increase its value.

Merchants, bankers, country-gentlemen, farmers, and in general

stock-holders of all descriptions, would be benefited by the plan, and particularly the *timid* would derive encouragement to *hold on* their stock. For if they withdraw half the amount of the present price of stock, they may realize that part on land, by procuring purchases or mortgages. This would also accommodate those who want to sell land, or borrow money on it, or to borrow on other security.

The transferer would retain to himself the advantage of future increase of price, just as if he had not taken the stock-notes.

SECT. V.—*No Danger to them.*

But is there no final danger of loss to the stock-proprietors upon this plan? *None*, I think. For suppose the holders of the stock notes should become alarmed for their security by the falling of stock to 25; and suppose the plan should provide, that then the stock should, at that price, become the property of the holders of the stock-notes, and be transferred to them in proportion to the amount of the notes held by them respectively, unless redeemed immediately by the proprietors of the stock; it may be made clear, that he that was the original stock-holder cannot be hurt by having received the notes, even though he should not redeem the stock. For if he has retained the right of redemption, and consequently the risk, it is by his own voluntary act that he has done so. He might have sold out; but, having retained the stock, he cannot suffer more by parting with his stock now, than if he had held it on, and was now to sell it, without having received any stock-notes. He may even have an advantage by buying an equal quantity of the stock at the reduced price, supposing it below 25, or prevent a loss if the price is 25, or upwards; and, upon both suppositions, five thousand pounds, or thereabouts, would replace his twenty thousand pounds stock.

Four things must concur in order to occasion any actual loss to the transferer of stock upon this plan. First; the stock must fall below 25. Secondly; the transferer must be unable to redeem it at that reduced rate. Thirdly; the stock must afterwards rise to a higher price. Fourthly; if there be (as of course there must be) an interval of time between the fall and the rise, the transferer must continue, during the whole interval, unable to purchase a quantity of stock equal to what he had when he obtained the notes.

The occurrence and operation of these numerous causes is a most improbable supposition; especially considering that the transferrer must be understood to have received an equivalent in property of some kind on parting with his notes, and, therefore, may be expected to be able to redeem his stock, or to buy an equal quantity at the supposed price of 25.

But perhaps the stock-notes may have been applied to purchase land or land-tax.—*Well*, at least the transferrer has then realized half the amount of his stock at the present price, besides the annual increase of 250*l.* upon his 20,000*l.*: and he must consider that, if he had continued to hold his stock till the supposed period of ultimate depreciation, his loss would be greater than it can be upon any supposition affecting this plan; which includes the annual gain of 250*l.* upon the 20,000*l.* stock.

SECT. VI.—*They might gain too much by it.*

If, according to the supposition above made, fifty millions could thus be brought into circulation, the gain to the stock-holders would be 2,500,000*l.* sterling annually, and so in proportion, if the circulating medium should be used in less or greater extent.

But two millions five hundred thousand pounds would be too great a gain for the stock-holder, who could not reasonably expect to have so much, especially if the scheme be attended with only part of the other advantages (including that of safety) which I have stated.

SECT. VII.—*Government must partake with them in the Profits.*

Therefore I come now to consider the interests of Government and the Bank of England.

It may be thought proper that so much of the dividends as is equal to 5 per cent. on the stock-notes should be kept back by Government: that is, that the payment of so much of the dividends should be suspended during the war, and that the amount of these dividends should at the end of the war be divided between the stock-holders, the Government, and the Bank of England, in such proportions as may be agreed upon. In speaking of the stock-holder in this place,

I mean the person who should actually possess the stock at that period; and his share of the accumulated dividends should then be added to his capital, and the future interest of it provided for by taxes, unless Government should then be able to pay the arrears of dividends; I mean the stock-holder's share of those dividends. In case a suspension of dividends should be thought improper, some other arrangement might be adopted, as the mutual interests of Government and the stock-proprietors might dictate.

If Government could, by this means, suspend during the war the payment of dividends to the amount of two millions five hundred thousand pounds, or even half of that sum, such a postponement, or any equivalent advantage to government, would be attended with important consequences.

Future loans might be negotiated on better terms, the price of stocks being supposed to rise as well in consequence of the advantages given to the stock-transferrers, as of the taking of a great quantity of stock out of the market. The Redemption of the Land-tax would be facilitated, and the necessity to sell stock would be very much diminished, at the same time that there would be a great increase of inducements to buy and hold stock.

SECT. VIII.—*So must the Bank of England.*

In regard to the Bank of England, the advantages to be allotted to that company would be such as might be agreed upon between them and the stock transferrers, by way of an annual increase of the Bank profits; and also as a compensation for the charges of management. But there is no occasion at present to enter into details upon this part of the subject.

SECT. IX.—*Question suggested.*

After all, however, there remains the question before suggested: "Could these stock-notes be used as a circulating medium; or, in other words, would they pass as money?"

This I cannot determine; but I see many considerations which may be supposed to operate towards causing the free and general currency of these notes.

The security upon which the notes are to circulate, would be a

first mortgage on the property and industry of the nation. The scheme would raise the value of the funds, and would advance our agriculture, as well as extend our trade, both foreign and domestic, by bringing into action a new and great capital: and all this would tend to improve the strength of the nation. Hence greater safety to every part of our property.

These appear to me to be sufficiently powerful inducements to the public to receive and circulate as *cash* the proposed stock-notes.

But if, in fact, the security for the National Debt is not to be esteemed good for a fourth part of its nominal amount, then, I fear, our case is hopeless indeed. This, however, appears to me to be a groundless apprehension.

At all events, the caution of the most fearful must have some limits; and if, through the prevalence of distrust, the notes described could not be circulated at 25, they might undoubtedly at some lower rate. Therefore, the objection founded on supposed insecurity, does not reach the principle of the measure, and can only at the utmost confine its operation.

SECT. X.—*The Plan may be improved.*

This scheme, if it has any thing of value in it, may undoubtedly be improved; and, perhaps, the indirect and collateral results from it may be as considerable as its direct and immediate effects,

I am not, however, so fond of my plan as to make an unqualified supposition that it is capable of producing such great advantages as I have described. Yet I do not mean to conceal that I have a strong confidence in it; and I own, if I were to indulge my present thoughts, I should say much more of the advantages I expect from it.

SECT. XI.—*General Observations.*

But I shall now only make a few general observations, which shall conclude this letter, and the trouble which, Sir, you have allowed me to give you,

First, In a commercial country there should be as little dead

or unproductive capital as possible; but the wealth of individuals collected in the funds is *dead to trade and general use*, except only so far as the dividends are spent and circulated, and not invested in the same funds by way of farther accumulation.

And, *secondly*, There ought to be no such thing known as want of money;—and, in my opinion, no such want *could* be known in a perfectly well-regulated commercial state: I mean no want of that kind should be known or felt by those who possess property of any kind, whether it consists of lands, merchandize, or credits well secured. All such property should enable the owner to procure a representative sign capable of general circulation. I say this, subject to many obvious restrictions.

SECT. XII.—*Originality of the Plan.*

It was, by thinking for a long time upon these two principles, and by turning over in my mind several plans for procuring money for some persons of property, who found it difficult to obtain loans, that I was led to the present discovery, if it is one, as I believe it to be. To me, at least, it is *new*, and so it has appeared to those friends to whom I have communicated it: but if any one shall dispute the absolute originality of the thought, I shall not be much concerned about that, because it is quite certain that in its operation it will be new, and, what is infinitely more material, the advantages of it will be confined, almost exclusively, to our own country, where alone such a great capital as I have proposed to put in circulation is to be found.

I have the honor to be,

London, Sept. 27, 1798.

SIR,

&c. &c. &c.

LETTER II.

SECT. I.—*Proof of the necessity of an extension of the circulating medium ; which had been before assumed.*

SIR,

In my former letter upon the subject of my proposal of a *method of increasing the quantity of circulating money*, I assumed the necessity of the measure to be self-evident to those who give attention to the whole circumstances of the case : but, as I find there are *some* who deny the want of an increase of circulating money, I should wish to remind those persons, that they have overlooked several important considerations. It is evident they pay no degree of attention to the impracticability of *borrowing money on landed security*, in consequence as well of the high rate of interest obtainable from Government securities, and the expectation of future gain by the rise of stocks, as of the great profits which trade affords ; by the operation of which causes, the whole circulating capital of the nation is drawn away from land to those more profitable objects ; except what is taken up on Annuities,—the most pernicious mode of raising money, but at this time the *only* expedient by which land-owners can borrow.

The persons who maintain that there is at present no want of money also overlook the possibility (*or rather the certainty*) that at some period, not very distant, trade itself will again feel that distress from the obstructed circulation of money, which occasioned such extremely serious alarm in 1793 and 1796, and the early part of 1797.

I say this without supposing a want of general prosperity in the country : the distress I allude to may even be caused by the increase of the commerce of the nation, which possibly may yet be doubled ; but certainly not without wanting a double capital in money.

The late sudden and great increase of taxes will also require an addition to be made to the circulating medium.—The gold withdrawn from circulation must also be supplied by paper.

The unusual facility with which money, or Bank-paper, which is *money* whilst it circulates *as such*, has been procurable for some time past by persons of good credit, by way of discount of commercial securities, is chiefly a temporary consequence of the preparation of money to be employed in the Government loan which was eagerly expected during the late winter and spring. We all remember the disappointment of the money-lenders in November last, when Government borrowed only three millions out of fourteen that the loan was expected to consist of. Since that time, no doubt, there has been plenty of money for temporary occasions, but not to lend on mortgages or on personal security, apart from trade. These very opulent persons, who boast of such an abundance of money, will not invest any part of it in purchasing the land-tax, nor in loans to private persons; except in discounting bills or notes for the short period of sixty days, from which there results a greater gain than five per cent. per annum.

Permanent loans, such as are adapted to the slow returns of agriculture, and cannot yield more than the legal rate of interest, — these they utterly decline: and for an obvious reason. — Land-owners have no means of giving more than five per cent. interest, — except by the destructive means of granting *annuities* before taken notice of; but *persons in trade* feel no difficulty in holding forth to *bankers* the temptation of more than the statute-rate of interest upon loans of money, by means which *custom warrants*, and which the *profits* of trade are more than equivalent to.

No person who has been much accustomed to transact loans on *mortgages* will deny the want of money, even its entire absence, in *this* channel of circulation; nor can any person who is moderately conversant with what passes in Westminster-Hall be uninformed of the distress which this want of circulation occasions to those who, having formerly lent money on land, now want to have it returned, as well as to the unfortunate debtors, who cannot find persons to assist them in paying off their debts by taking transfers of the existing mortgages. It is well known to conveyancers that mortgage debts are *most commonly* discharged (even when money circulates freely) by transfers to other mortgagees, and not by actual payment on the part of the land-owners, who are *seldom* capable of redeeming their lands: more frequently payment is made by selling the incumbered estates.

SECT. II.—*Danger of the Landed Interest.*

Without something done to assist the landed interest, the property in land will change hands almost universally, or to a great extent, within a few years: lands will be brought to sale through the pressure of general distress on the part of the land-owners, and the price, which was for some time kept up by peculiar causes, will then fall very low.

It is beginning to fall already; and I have been well informed that an uncommon proportion in *value* of the estates put up to sale by auction within the last year and more, have been bought in for want of purchasers at a fair price.

It is high time that the land-owners should begin to look carefully to their own accommodation in respect to the circulation of money; otherwise they must be ruined. This is stating the case without exaggeration; for the merchants are getting vast fortunes, whilst the land-owners are dwindling into comparative insignificance, and are in no small danger of becoming "hewers of wood and drawers of water" to their rivals, the men of trade.

I should not state the matter in these strong terms, if I had not a full conviction that the landed interest, a very great part of it, is in imminent danger from the circumstances above set forth; and if I did not know that stating the case in a cold manner, destitute of energy, would utterly fail to produce any effect upon that class of society to which this part of the subject is peculiarly addressed.

For there are natural and permanent qualities in the character of the landed gentry of every country which cause them to give a languid attention to their interests *as a body*; the indolent and tranquil enjoyment of a revenue coming to them almost spontaneously, without much thought or any labour, having naturally the effect of indisposing them to the consideration of danger at a distance.

Therefore, I cannot reasonably expect to be much listened to by those who are most concerned in what I am now saying, unless some of their own order, or others whose judgment they are accustomed to respect, shall support me in warning them of their danger, and at the same time recommend the proposed means of relief;

or until a nearer approach of the mischief, with some feeling of it, shall awaken their attention.

SECT. III.—*Correction of a wrong Supposition made by some Persons.*

It has been supposed by some persons that, because I have, in my former letter, mentioned *fifty millions or more* as the sum which my scheme *might* furnish for the purposes of circulation, it was my view to have such a large sum of money put into circulation whether the occasions of the country required it or not; and upon this mistaken supposition they have argued, that a proportionable increase of the prices of commodities would take place. But I have not proposed any thing like this, though I admit I might have excluded such a supposition in terms more guarded and less liable to be misunderstood. I did not however speak quite incautiously; for, after mentioning fifty millions or more, I added, "*if so much could be employed:*" and in a former passage, I had proposed the scheme to be put in practice upon the ground and within the limits of *necessity and utility*, which I thought a sufficient intimation of the moderate use I wished to be made of the plan. But even if I had contemplated an immediate issue of such a vast quantity of paper money, it would not have raised any fair objection to the principle of the measure; and indeed the whole objection is only applicable to the abuse of the plan, and takes for granted that it is to be acted upon without regard to ordinary discretion.

SECT. IV.—*Prices of Commodities not inconveniently raised by Paper-Money.*

There are others who have contended, that an inconvenient increase of the prices of all commodities would take place, if *any* addition were made to the quantity of circulating money. To this I answer as follows:

The increase of money would not, I think, have the effect of *raising prices* in respect to the necessities of life, because the *quantities* of them (supposing the money judiciously applied by bringing more land into cultivation) would be *increased in a greater proportion* than the money; yet I do not deny that such

articles of luxury or curiosity as cannot be increased in quantity by cultivation or manufacture, would advance in price : but I suppose this will not be much insisted upon.

Further, this objection might with equal reason be urged against any other measure which should tend gradually to increase the money of the country : and yet such an increase has been at all times, and probably will always continue to be, an object of eager pursuit, notwithstanding the supposed increase of prices consequent thereon.

In fact, a moderate increase of prices is not an evil ; for such an increase tends to the extension of agriculture and manufactures, and to stimulate industry in every possible way, and therefore is a great benefit to a country by augmenting the quantity of its commodities ; and this, by its reaction, prevents the rise of prices from being too rapidly accelerated.

Even high prices are only disadvantageous when they are occasioned by a permanent, or an extreme scarcity of commodities, or a very sudden scarcity, that is, when the demand continues for a long time, or in a very uncommon degree, or suddenly happens to exceed the supply ; and, in general, a period of high prices is soon followed by abundance, and sometimes by extraordinary cheapness ; the high price operating as an incitement to produce new and greater quantities of the commodity which yields an unusual profit.

Add to which, that the rise of prices is, in a great degree, an imaginary evil, so far as adding to the stock of money may be supposed to occasion the increase of prices : for, in general, every man's share of money would be increased too. The price of labour would rise as well as other things ; and this joint increase would cause new exertions of diligence, by inciting or obliging many persons to work who are now idle, or to work with greater diligence than before.

Except, however, the case of persons who live on fixed incomes, which they are incapable of enlarging. To them, every increase of prices cannot but be a disadvantage. It is an unavoidable inconvenience, necessarily attendant upon the stationary position they hold. But it is not to be expected that the general progress of society is to be retarded, in order that these persons may feel no manner of inconvenience from the circumstances which keep

them in a state of inactivity, or hinder them from bettering their fortunes. The vigour of the nation cannot be kept down to the *par* of their imbecility; nor would this finally be any benefit to them, but very much the contrary: even if all neighbouring countries should, by universal agreement, consent to be stationary too;—ceasing their progression in the arts and enjoyments of life. However, in the end, even persons thus circumstanced would,—I mean *many* of them,—derive advantage from the operation of the plan, by partaking, from collateral and accidental causes, in the general prosperity; and *all* of them would be eased by the reduction of taxes, which would be one of the most probable and most extensive consequences of the proposed measure, as more fully noticed in a subsequent part of this Letter.

SECT. V.—*The Advantages of the Plan, how to be disposed of.*

It has been said, I understand, by some persons, that there is a *partiality* in giving to the stockholders the great advantages I have spoken of.

I have said the emoluments to result from the plan ought to be divided between the stock-proprietors, the Bank of England, and the government, (that is, the nation at large,) in such proportions as may be agreed upon; of course, in just and equitable proportions. Surely *some* share of the advantages must be given to the stock-transferrers, and sufficient to induce them to engage their property in the execution of the scheme. This is all that I have in view, or have suggested.

And this may be done in the following manner:—Let the privilege of issuing the proposed notes be given to the subscribers to FUTURE GOVERNMENT LOANS: and as the subscribers, with this *bonus* given to them, would take the loans on better terms, in proportion to the advantages they obtained, *the whole public* would by that means largely participate in the profit to result from the scheme.

SECT. VI.—*How the Plan may be applied to the Relief of the Landed Interest.*

My design from the beginning was, and still is, to accomplish, if I am able, the procuring of assistance to those who want money upon the security of land to enable them to pay their debts, or to improve their estates; and even this not for their sakes only, but for the general good of the country.

If the scheme I have proposed should take a more extensive range, and become applicable to other purposes besides the relief of the landed interest, it will be an accidental result. I was looking for one thing, and it may turn out that I have found another of more importance; or rather an application of what I had in view to a more important subject. I believe this is what commonly happens in such cases.

But (in relation to the landed interest), I think the plan in question may be adapted to the accommodation of the land proprietors in the following manner:

Let the persons who are to obtain the notes upon the security of their transferred stock engage to lend the notes upon mortgages of land, and to deposit the mortgages in the Bank of England within a limited time; their transferred stock being a security for the performance of this engagement. And let the mortgages, when deposited, be declared by the act of the legislature, which is to establish the whole measure, a further and collateral security for the amount of the circulating notes:—each mortgage for the amount of the notes lent thereon. Thus the note creditor, however well satisfied he might be with the original security of the stock, would have another security of probably twice the amount of the notes,—a security far superior to that of an undefined, and, in some measure one may say, an imaginary quantity of gold deposited in a bank. Every million of notes would be represented by four millions of stock and about two millions sterling in land!—I do not, however, mean to represent this additional security as necessary to give strength to the original plan. I propose it as subordinate and convenient merely, not at all as being essential.

The mortgages when deposited would be capable of being trans-

ferred like other mortgages, but always subject to a general lien for the amount of the notes lent thereon; and might be discharged by bringing in to be cancelled an equal amount in notes of the same kind; these being cancelled, (that is, an equal amount, not the identical notes lent upon each mortgage,) the land might be re-conveyed to the proper owner for the time being, discharged of the mortgage. And, at the same time, the transferred stock connected with the mortgage so released, might be re-transferred to the person to whom it should then belong.

By this means there would be a constant tendency of some portion of the notes to return into the bank to be cancelled; which would prevent an excessive accumulation of the quantity: some periods might also be fixed for this purpose, and with this view; whereby the gradual and final extinction of the notes might be provided for, if a change of circumstances should require such extinction.

This operation of lending upon mortgages should be left, I think, to the discretion of the individuals by whom the loans are made, both in respect to the titles to the mortgaged lands, and the quantity of security, and, within some limits to be prescribed, the periods of repayment also; except that some superintendence would be proper merely to ascertain that the loans were made *bonâ fide* upon the lands appearing in the several mortgages, and not employed for any other purpose in the first instance.—Of which the deposit of the mortgages, with proper inspection, would furnish good evidence.

The risk of the security would upon this footing rest upon each individual lender; but that risk, after the plan shall have been acted upon for some considerable time, would be much less than it is now in similar loans; because, as by the means proposed there would be established a very extensive *register of mortgages*, the disputes and frauds which too often attend securities of that nature would to a great degree be avoided.

This restriction of the loans (so long as it should be thought right to continue such restriction) to landed securities would in itself limit the quantity of the proposed notes to the amount of the demand of money by land-owners desirous of borrowing. From them the money would be absorbed into the general circulation, by

payment of their debts, and by their making agricultural and other improvements.—By this means, also, tradesmen who are distressed for want of more early payment than they now receive, would be enabled to carry on their business and make their own payments with greater facility and more comfort than they can do at present.

SECT. VII.—General Advantages.

Thus, public industry would receive a new impulse, employment would be given to many who are now in want of it, lands now unimproved and waste would be brought into cultivation, houses and other buildings would be repaired or erected, canals would be completed that are now left unfinished for want of money, bridges would be built, mines would be worked, new sources of trade would be opened, and commerce in a thousand ways would be invigorated and put into a state of activity.

This may seem to suppose a more free use of the proposed money than could probably take place through loans on land only; but in whatever way, or to whatever extent, the money should be employed, the mass and quantity of useful and necessary commodities, and consequently the comforts of the people, would be increased by this additional stimulus given to the national exertion. This increase would be proportionably greater than the increase of money, supposing the latter to be added to with discretion and by slow and gentle degrees, and not by an inundation of new representative signs; for it must all along be borne in mind, that public wisdom is to direct the operation and to be employed in controlling the tides of this new money.

SECT. VIII.—Effect of the Plan upon the Rate of Interest, and Reduction of the National Debt.

One of the most direct consequences to be expected from my plan, is the lowering of the rate of interest. If it should be reduced generally below five per cent. that reduction would take away a part of the gain originally computed in the plan. But this would be counterbalanced by the good effects which a low rate of interest always produces, and by other beneficial consequences which the plan may be made to accomplish.

Indeed, this lowering of the rate of interest would be, above all other means, I conceive, the *best auxiliary* to the fund established by parliament for relieving the nation from the pressure of its great debt.

A most happy event it would be, if the five per cent. stock could be reduced to four, and the other stocks in like proportion. A reduction to that extent would be the same thing in substance as a gratuitous extinction of a fifth part of the national debt; which consists altogether, in respect to the right of demanding payment, in the annuity payable by the nation to its creditors. Nor would it be difficult to effect a reduction to this amount by the help of the plan in question; supposing the funds shall ever again come to the prices they were at in 1792; a supposition which this plan would also tend to realize. I admit that this reduction can only accompany the fall of the market-rate of interest.

This operation of diminishing the annual out-going might begin precisely at the period when the Sinking Fund would lose part of its beneficial efficacy, in respect to buying up the public debt, on account of the near approach of 3 per cent. stock to par; in which stock purchases could then no longer be made with advantage, till the whole of the 5 per cent. and 4 per cent. stocks should be bought up. And though the latter stocks would be above par, the public would derive no gain from that circumstance, though the stockholder might seem to sustain a loss by having his stock paid off at par. But the near prospect of such an event would keep those stocks from attaining the prices they would otherwise reach.

As, at the period I am now speaking of, the annual produce of the Sinking Fund could not, for the foregoing reasons, be applied with great advantage in buying up the national debt, I submit it might then be better disposed of, as a premium, in conjunction with the privilege of issuing the notes in question, towards inducing monied men to lend large sums of money at a rate below the then current rate of interest to be applied in paying off at par these debts which now carry a high interest. It will be soon found that I am not speaking without consideration when I talk of borrowing below the current rate of interest, if that is not apparent already.

In this way, though the ~~reduced~~ amount of the debt might continue to be the same as before, still the nation would be relieved by

the reduction of the *annuity* in which—the debt substantially consists; and taxes might then be repealed to a proportionable amount, or the Sinking Fund might be enlarged, supposing the whole taxes to be sustained some time longer; or, the *saving* might be applied in part to each of these objects.

To explain this proposed operation by an example;—Let us imagine an estate to be incumbered with a debt of 100,000*l.*, at 5 per cent. interest, or 5000*l.* per annum. Then conceive the owner to be possessed of 10,000*l.* in ready money, which if applied towards payment of the debt would reduce it to 90,000*l.*, and the annual interest to 4500*l.* But the owner, having regard as well to his own future convenience as to that of his family after him, is desirous that his estate should be liable to a less annual outgoing; and therefore proposes to give the ten thousand pounds of which he is possessed, as a *premium* to induce some person to pay off the debt on the estate, and to accept a transfer of the security at a lower rate than 5 per cent. And, in order further to abate the interest, he offers to give to the lender some *extremely valuable privileges* of which he may be supposed to have the command. Add to this an expectation then formed, that the current rate of interest will speedily fall below 4 per cent. by the operation of some known causes.

Under these circumstances, we may suppose that the new lender would advance his money at a lower rate than 5, or even than 4 per cent.—Grant it might be 3 per cent.—And if this should be the case, the annual incumbrance on the estate will be reduced from 5000*l.* to 3000*l.*

I think the analogy is so plain, that it is hardly necessary to add that the 10,000*l.* represents the produce of the *sinking fund* for a short period, suppose two or three years (more or less); and the *privileges* hinted at are correlative to the issuing of notes to circulate as money on the credit of stock.—The rest is quite obvious.

Supposing this to be understood and assented to, I may now go on to say, that if, at the period above alluded to, the produce of the income tax should be applied in the same manner towards the reduction of the rate of interest, the *effect* produced in that way would be *greater*, and the *tax itself* might properly be made to

cease sooner, than by its application towards extinguishing the capital of the public debt.

And in this respect, as well as in the general tendency of the plan to produce an abatement of taxes, persons of fixed incomes would have the satisfaction of seeing their own advantage connected with the public welfare; a circumstance which I have before alluded to, and which I have great pleasure in thus explaining and confirming; for I am anxious that my proposal should produce nothing but good; if that can be.

I allow, that so far as the produce of the *Sinking Fund* and that of the *Income Tax* are called in aid of this reduction of the annuity the reduction would not be *gratuitous*; it is true:—but this does not hinder my first suggestion on this point from being also true, namely, that the reduction in question might be brought about merely and solely by the help of this plan.—I believe it might, considering the command over the rate of interest which it would give to those who hold the reins of government: a most important control in the hands of those who are to manage on the part of the debtor!

Yet it still may be proper to make the *Sinking Fund* and *Income Tax* co-operate to the same end; by which means a greater and more speedy effect will be produced towards lessening the national debt, than could be managed by the unassisted operation of this plan.

There certainly is not any thing that can so effectually promote this reduction of the annual out-going, as keeping the circulation of money constantly full, and by that means lowering the rate of interest; which hitherto there has not existed the means of doing, but which by a right use of my plan may be accomplished: and this makes it be, what I humbly conceive it is,—a great political engine; in a word, a new power. I cannot refrain from saying so much; for either it is that, or it is nothing.

SECT. IX.—*Bank of England.—How this Plan may be connected with it.*

It appears from the evidence before the Secret Committee on Bank Affairs, that there were times within the ten years which pre-

ceded the bank's desiring to make payments in cash, when the directors *deliberated* on reducing the rate of discount, but they never did it; and though the reasons why they did not are left to be conjectured, it appears to me most clear that one of the principal causes which hindered the establishment of that salutary regulation, was an uncertainty on the part of the Bank, whether they could constantly keep the circulation full, or whether they might venture to encourage the abundant circulation which a low rate of interest would tend to promote.

How soon, under the present circumstances, the Bank may again think fit to lessen the amount of their discounts, I do not pretend to conjecture; but some considerable effect in that way might probably be produced by a repeal of the present restriction on the issue of cash.

I now come to shew how my plan may be connected with the establishment of the Bank of England.

I submit that that Bank, though it has peculiar interests of its own, may be moulded to purposes of public utility within the limits of a just and reasonable regard to those its interests. It ought not to stand in the way of the general good of the community.

Therefore, with due regard to the Bank interests, I go on to say that there ought to be a proportion between the bank capital and effects, and the amount of the notes circulated on the credit thereof.

I presume to suggest, that that proportion should be publicly known and regulated by law. This publicity would at all times protect the Bank against a run upon it, which can only proceed from panic fears and a distrust of its security, occasioned by ignorance of its actual situation.

The amount of the circulating notes of the Bank, that is to say, circulating on the credit of the bank capital, ought never to exceed a fixed sum; let us suppose twelve millions.

All circulating bank paper beyond that amount ought to rest on other security.

Now to apply these principles; let the bank issue its own notes instead of the notes I have called stock-notes. Let there be no distinction.

But let the Bank be *permanently protected* by law against paying cash beyond the amount of its own proper or restricted quantity of notes—its own debt—the twelve millions above mentioned.

Now suppose twenty millions to be in circulation, or any given sum exceeding twelve millions, the bank might be liable (supposing the present restriction taken off) to be called upon for cash to the amount of twelve millions ;—but the surplus sum they could not be required to pay in cash ; therefore they could not say their own establishment was endangered by the additional quantity of notes circulated on the credit of stock.

But if twenty millions were in circulation, the general call on the bank for cash may be supposed to be proportionably greater than if only twelve millions circulated ; therefore the bank must keep a greater proportion of gold in their treasury to carry on its business ; and for this, as well as for the management of the additional issue of notes, the bank should receive a compensation, including a reasonable profit.—I shall for the present rest the matter here so far as concerns the bank, conceiving that all its essential interests are thus fully taken care of.

SECT. X.—*The Security and Convenience to the Public under this Plan.*

In respect to the public, I cannot discover any objection that they can make to the increased circulation of bank notes upon the principles now laid down. They have been content with an almost total restriction of the issue of gold in payment of bank notes, and why should they not be equally well content with having a moderate proportion of those notes permanently exempted from being paid in cash, there being other and most abundant security for their amount ?—To suppose any inconvenience, one must make a previous supposition that all the notes of the Bank of England, circulating upon the credit of their own capital, are required to be paid in cash, with a settled purpose not to let it return there. But this supposes the natural death of the bank ; a perpetual cessation of its use as a bank : a most chimerical supposition ! But even granting this infinitely improbable event to take place, still the surplus quantity of notes would be represented by a fourfold quantity of

stock and a double value in land, and these remaining notes would then be more convenient and necessary than ever: for the Bank of England notes, its own proper and restricted quantity, being supposed extinguished, the surplus notes would be essentially necessary to the purposes of commerce, if any were supposed to remain.

These notes would therefore continue to circulate; and by suitable provisions to be made by the legislature at that time, might be liquidated in gold and silver as occasion might require. To suppose the contrary, is to suppose trade annihilated and all occasions for remittances from place to place within Great Britain to be put an end to for ever. So that it is only by imagining several events to take place, each of them involving, if not contradictions, at least very high degrees of improbability, that the circulation of the proposed notes once begun can be expected ever to cease.

The supposition of the extinction of that quantity of notes which is peculiarly to belong to the Bank of England, I need hardly say is made by way of argument, and not with any expectation of its ever being realized. But the very putting of such a case, even in this way, may appear alarming to some; therefore, I might propose that the whole profits to result from the new quantity of notes should be, annually or half-yearly, subjected in the first place to indemnify the Bank of England against such loss or detriment as this scheme may bring upon them; that indemnity being made good out of the dividends of the transferred stock. I believe such a guarantee (under circumstances so very improbable) from the new system to the old one, would not deprive the former, the new system, of any part of its efficacy, or cause the stock-proprietors to abate their expectations of gain from the operation of the scheme. The effect of such arrangement would be, that the Bank of England would have constantly a profit upon twelve millions, or whatever might be the restricted or the actual amount of their circulation, not exceeding twelve millions; and the stock-transferrers would have the profit upon whatever might at any time be the additional quantity; subject, in respect to the latter, to a proper deduction out of the dividends of the transferred stock for the charges of management and otherwise in favour of the Bank.—I believe this will appear easily intelligible to those who will take the trouble of thinking a little upon the point; but I am sensible this part of the

case requires rather more attention than the rest.—It is, however, of the least consequence, as it applies only to the most improbable of all the suppositions which the case requires to be made; and if it creates a difficulty in the mind of any reader, it may be passed over, without any disadvantage to the right comprehension of the scheme; for it is only an answer to a very refined and even imaginary objection.

SECT. XI.—*The questions re-stated.*

But, the original question recurs; Is there a *want* of circulating money? And also the other question,—Will the *public* receive and circulate *these notes as cash*?—Concerning both of which questions, if I expressed naturally and without reserve all that I think and feel, I should manifest such a degree of confidence of having made good what I have had in view, as would scarcely seem consistent with that deference with which I mean, Sir, to submit the whole matter to your superior discernment; as I must ultimately do to the judgment of the public.

SECT. XII.—*Some particular Objections stated.*

To the public, therefore, I submit *all* that I have said, *together also* with the *following objections*, which, having been communicated to me, I thus make known, because I have already said, in the introduction to my first Letter, that I will disguise nothing. Indeed, it would be quite useless to hide any substantial objection, or to suppose that any defects in my scheme would escape the clear-sighted judgment of those who are to decide upon it.

OBJECTIONS.

1. The national debt is the wealth of individuals; but it is wealth already employed by the state, and *not applicable to the purposes of commerce.*

2. There is a mistake in thinking, that persons who take bank-notes would take stock-notes. The former are grounded on a very different security from the other; as their circulation is occasioned by a belief that the bank is possessed of specie to answer the payment of its notes when called upon.
3. The plan makes every stockholder a banker, issuing notes without funds, or precious metals, to answer them.
4. The stock-notes would not, as represented in the plan, be a mortgage on the industry of the nation, but on the inactive capital of individuals and the debts of government.
5. It is said, "the wealth in the funds is dead and unproductive;" so it must with respect to the proprietor; for it cannot be applied to *two* purposes.
6. It is said, that a want of money or a representative sign should not be known to those who possess property or credits well secured. But can they have *both* the *property* and its *representative*?

SECT. XIII.—*Replies to those Objections, and Conclusion.*

I do not mean much to lengthen this letter by replies to these objections: for I should think I had employed my time to little purpose in all the foregoing remarks, and should appear to have little confidence in the discernment of those who will read this and my former letter,—as well as much distrust of the candour and openness to conviction of the person who made the objections,—if I were now to spend any considerable portion of time in pointing out how completely I have obviated *all* these objections. But, without designing to imitate the almost oracular conciseness of the objections, I think it may be proper for me to say a few words in answer thereto.

The first objection begs the question.—It admits the national debt to be the wealth of individuals; but adds, that it is wealth already employed by the state, and *not applicable to the purposes of commerce*. No reason, however, is assigned for this assertion. On the contrary, I have given reasons for thinking, that *some part* of this *acknowledged* wealth of individuals *may* be applied to pur-

poses of commerce. I have heard the objection stated in *this* manner:—"The wealth in the funds is *money spent*." But I say, no; it is not *money spent*: it is, with respect to the creditor, *money lent*; and it is *by* the creditor that I propose it to be now employed, by mortgaging his security. The objector did not perceive that his position, *that this is money spent*, is only true in relation to the *state*, by whom it is not *now* to be employed, but, as before observed, by its creditors. And why may not this be?—Compare it with any *other* mortgage, and it will appear that it *may* procure credit, and be the means of *circulation*, in favour of the *mortgagee*.

The second objection also begs the question; and states incorrectly the ground upon which bank notes circulate, which is *not a belief that the bank is possessed of specie to answer the payment of its notes when called upon*; or, if such a belief were the ground of that circulation, it would be a belief that delights in evident improbabilities and detected errors.

Do we not all of us know, that on the 27th of February 1797, the Bank of England was *not* possessed of specie to answer its notes when called upon? Do we not also know, that from that period to the present we have not been able to obtain from the Bank of England either gold or silver for a ten pound bank note? Yet this did not, even in February 1797, when the panic was at its height, hinder the free circulation of bank notes; which circulation is *not* founded on the *belief* which the objection supposes, but on *other and stronger grounds*, too obvious to need pointing out.

The third objection asserts what is quite a mistake in point of *fact*, in saying that the proposed notes would be issued "*without funds*;" unless it be true that the property of the Bank of England in three per cent. consolidated bank annuities, is *not a fund* for the security of its own notes.¹

The fourth objection is inconsistent with the third, in representing *that* to be inactive *capital*, which before had been described

¹ The permanent debt owing by the public to the Bank bears interest at 3 per cent. but is not in 3 per cent. consols. *That* and the *other* debts due to the Bank on Exchequer Bills, &c. form by far the greatest part of the Bank funds.

as *no fund*. This objection also quotes imperfectly what I have said, which was, that the security upon which the notes are to circulate would be a first mortgage on the property and industry of the nation; and *this I re-assert*. Why does the objection drop the *property* of the nation as a part of the security; and why call the *national funds* the *debts* of government, when they are the debts of the *whole country*?

Debts not funded may be called government debts. These, if contracted without parliamentary authority, the nation may decline to sanction and adopt: but when once funds are provided to secure them, by authority of the legislature, the debts become from thenceforth *debts of the nation*, and are secured upon the land, the money, the goods, the commerce, and the industry of the country; and, with all these, the *public faith* is pledged to the creditors.

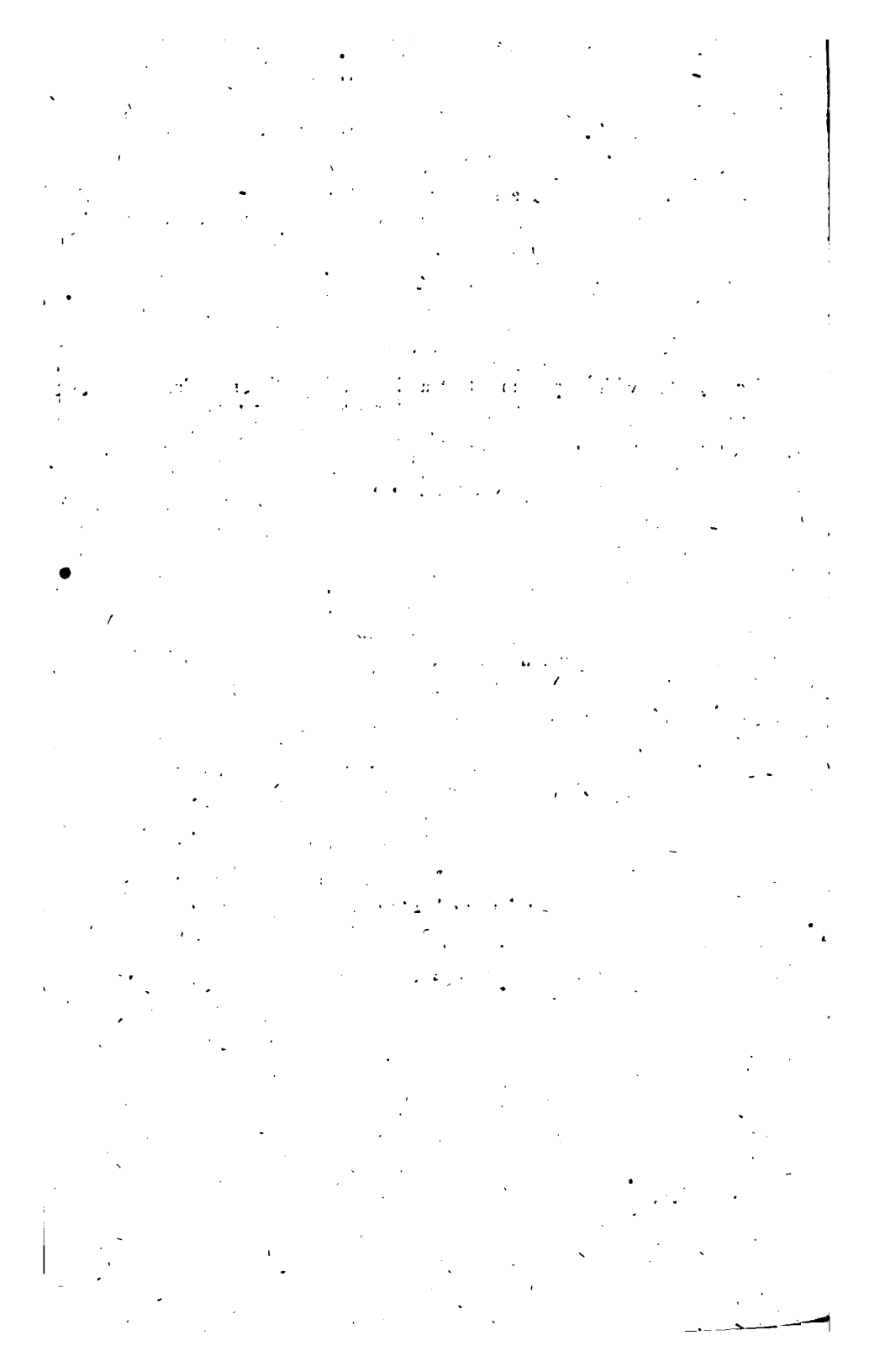
The fifth objection again begs the question; for I have shewn how the wealth in the funds *may* be applied to *two purposes*; if the principles which I have endeavoured to establish by *argument*, and not by mere assertion, are found to be valid.

To the sixth objection I answer, that those who possess property of any kind may possess that property in a *mortgaged state*, and also at the same time a representative sign *to the extent of the mortgage*.

For the sake of brevity, and for other reasons, I have omitted some things that might be said in confirmation of my positions, and perhaps even some explanations that may be thought necessary by those who are fond of minute statements; but I think it best to leave the matter here.—Permit me, therefore, to conclude with what I cannot but think very honourable to myself—I mean, a declaration of the sincere and respectful attachment with which I am bound ever to be,

SIR,

Your devoted and faithful servant,
&c. &c. &c.



DISSERTATION
ON THE
STATE OF THE NATION,
RESPECTING
ITS
Agriculture.

1817.

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VOL. XI.

C

DISSERTATION
ON THE
STATE OF THE NATION, &c.¹

AMONG the unhappy consequences of the late war, the errors into which the proprietors of land have been betrayed, in the course of it, have had consequences perhaps as unhappy as any.

That the produce of the soil is the most substantial wealth of a nation is a truth which cannot be controverted. This is the gift of Heaven ; but it is a gift to which a great part of its value must be imparted by the sagacity and industry of Man : and this value becomes greater as the industry employed is more skilful and energetic, and as the physical obstructions by which it is counteracted are fewer, or less powerful ; the value of land being the residue of the produce after the cost of culture and the effects of counter-acting incidents are deducted.

¹ We have reason to believe that the following Dissertation, which came to us by a circuitous route, is by an author who has already favoured us with one of the most judicious tracts on the Importation of Corn, which the late prohibitory bill occasioned.

In this view of the subject, Great Britain, situated in a high latitude, in the midst of a vast ocean, by the vapours of which the atmosphere is loaded, the sky obscured, and the temperature rendered variable, and frequently cold and ungenial, could not naturally be expected to rank high as an agricultural country. But the genius of the people, cherished by a political constitution, propitious to individual exertion, breaking through the limited bounds which nature seemed to have prescribed, directed all the labour, ingenuity, and enterprise, which could not have been profitably employed on the soil, in cultivating the mechanic arts. In these the nation gradually made great progress, till the seas were covered with its ships, wafting its commodities to distant lands, and bringing valuable returns. By this successful commerce, the great body of the people, whose dependence is on their labour, being fully employed, and amply rewarded, their numbers rapidly increased in the latter part of the last century. By this advancing increase of the numbers and wealth of consumers, the cultivators of land were aroused to the utmost activity to raise productions for supplying this very encouraging market.

This is the great cause of the agriculture of Great Britain having lately arrived at such a highly respectable state, in spite of its repulsive climate, and is, perhaps, the only mode by which it could have been thus advanced. The growing numbers and successful industry of consumers opening a sure and regular market for all the productions of the soil, and furnishing every thing necessary and convenient in exchange, stimulated the exertions of cultivators to supply this most excellent market. For this purpose the lessons of experience were diligently put in practice—more knowledge was eagerly studied—more method and expertness acquired—and British husbandmen attained an extent of

skill and dexterity not to be found in many countries. At the same time, industrious consumers felt the satisfaction of deriving their subsistence chiefly from their own country, in the most convenient way, and in the most wholesome condition ; and with the encouragement which the growing opulence of their fellow citizens gave to their various occupations they cheerfully pursued their industry. Thus these two great classes, whose interests are inseparable, were fellow labourers in the great national work of promoting the power and wealth of their country ; and in consequence of their combined exertions, the fields have been greatly improved, the value of land augmented, and the revenue of landholders advanced. The farmers also had, many of them, by skill, industry, and economy, improved their circumstances, and were possessed of capitals sufficient to cultivate their farms with good effect.

Such was the happy state of Great Britain when her rulers, proudly contemplating the riches which the nation had acquired, and which they seemed to have thought inexhaustible, rashly became the chief parties in a war which the powers of the continent had lately commenced against the mad revolutionists of France. In this long wasteful war, under the dreadful consequences of which the nation now groans, the national wealth has been consumed, partly in importing corn to feed the people at home, and much more in expensive military operations abroad. But as the waste which war always occasions kept up the price of corn, and as the great impetus which the national commerce had acquired still continued to keep it in motion, landholders fell into the unfortunate mistake that the high price of corn and the high wages of labour occasioned by the war, were not the consequences of that contingency, but of a progressive advancement of wealth, and that industrious consumers, who

already bore so much, could bear any burden; and with a perverted judgment, rejoiced in the war, as an animated principle, in this high state of prosperity. Under this delusion, they fondly expected to avail themselves of such flattering circumstances, by promoting a particular interest of their own, exclusive of that of the community: and those whom the concurring suffrages of interest and duty had now constituted the patrons of Agriculture having instituted a system of minute inquisition into the business of rural economy, and instead of employing their superior talents and opportunities to penetrate into the arcana of nature, in order to discover the means by which any of her latent powers might be unveiled, and converted to the advantage of cultivators and of mankind, having chiefly directed their puny researches to the farmer's cabin, searching every recess and secret corner to find any lurking penny which might be conveyed to the landholders' pocket; landholders, aided by the result of such researches, seized every opportunity of raising land-rents to an extravagant pitch: and in this they were fully seconded by farmers, who were at the same time under a similar delusion; and to fix this on a firmer basis, application was made to the legislature, and in 1804, additional restrictions on the importation of foreign corn were obtained, on the supposition that the price of corn might always be kept high, whatever alteration might happen in the state of the country; and regarding this measure as an universal specific, landholders again, in the face of a formidable opposition, obtained greater restrictions in 1815.

That the whole of this conduct proceeded from gross delusion, is too obvious to require much illustration. Some regulations may be proper to prevent too great an influx of corn from the banks of the Vistula, and other thinly in-

habited and fertile countries, where nature yields her treasures with almost unsolicited bounty, in times of domestic plenty, coming to interfere with the sale of home-grown corn. But such regulations should be so ordered as not to occasion sudden starts of dearth, to straiten the subsistence, and trench upon the small comforts of the industrious poor. It should ever be remembered that as British Agriculture has been stimulated, by the spirited industry and growing numbers of the mechanical class of its own people to a respectability which it never could have attained had this support been wanting or less powerful, so its success can only be perpetuated by the same agency. That the industry of those engaged in the mechanic arts may succeed, and of course their numbers be maintained, they must be able to procure food and some degree of comfort by means of what they can earn ; that an equal intercourse may be preserved with other countries to keep mechanical and commercial industry in activity, the proportion between the means of subsistence and the reward of labour must not differ very widely in this country from that of the surrounding nations. All attempts therefore to raise the price of corn beyond these impassable limits must have an opposite effect. If the price of corn in Britain exclude her people from an equal interchange of commodities with her neighbours, if it be raised beyond the ability of industrious consumers to purchase their subsistence commerce must languish, and laboring people must either go to seek their subsistence elsewhere, or perish in every kind of wretchedness ; and thus the value of land must sink in the same proportion.

The circumstances of the times did indeed, in some measure, justify the additional restrictions on the importation of foreign corn in 1804. The crops of 1799 and 1801, having been deficient, and the waste of war increasing the

scarcity, a great importation of corn was required. But some more plentiful crops having succeeded, the owners and occupiers of land thought it hard that the cultivators of fertile countries, enjoying peace, should so freely come in and undersell those at home, who were laboring under the hardships of war, so long as the prosperous state of commerce and manufacture enabled consumers to give such a price for corn as the state of things at that period demanded. To this the nation quietly submitted. But there was not the least shadow of an excuse for the additional restrictions of 1815. The people had, with unexampled patience, suffered a long course of severe privations; they had bravely fought, and freely bled, in a war supported by the great and opulent for the security of their privileges and possessions, and fondly cherished the prospect of some alleviation of their sufferings on the return of peace: besides, commerce and manufacture had begun to slacken, and many were returning from the war to their former employments, and employment being less abundant, might naturally be expected to be more moderately rewarded; and hence more moderate prices of corn were the more necessary. The attempt to keep up the price of corn, at such a time, indicated no less a hardness of heart than a perversity of judgment!!! No measure, perhaps, ever excited so great, so general, or so just an irritation, and none is more likely to leave a more lasting impression. If this preposterous measure had succeeded to the wish of the promoters, the present distress of the nation would have been much accelerated, and while it remains unrepealed, it will hang upon the nation like a mill-stone to obstruct its recovery.

It is idle to say that, in the failure of home-consumption, Agriculture may be supported by exporting corn from a country where corn has long been much dearer than in those which surround it. If British Agriculture has not

best sufficiently supported by the excellent home-market which it has long enjoyed, it would be far worse supported by exporting corn to countries where soil and climate are more auspicious, and labour less liberally rewarded, or contending in a foreign port with the corn of such countries. To talk of aiding exportation by bounties or drawbacks, in such circumstances, is grossly absurd. To maintain the price of corn at any thing near the average price which it has brought for twenty years past would require extraordinary bounties. It is not like the business of financiers to levy large revenues from a country, to return them again in bounties or drawbacks on the exportation of its corn, nor does it appear that they would serve their country by so doing.

Land-holders have therefore fallen into an egregious error, in assuming a separate interest of their own, and attempting to affix a high price on corn, without attending to the circumstances of the industrious consumers by whose means the value of land has been so much advanced, or considering if the latter would be able to pursue their valuable industry on such terms. They have thus, by attempting the impossibility of separating their own interest from that of the nation, so far as they could, undermined both; they have abandoned the liberal character naturally attached to their situation; and, in exchange for the esteem and respect of the lower orders, accepted their scorn and aversion, without attaining any end at which they have perversely aimed. Though land be the basis of national wealth, and the source of every thing necessary for the support of life, it is the application of skill and industry alone, which extracts its valuable productions; and such application must be more intense as the resistance of soil and climate is greater, and of course must require a stronger motive to animate its exertions; and this the vigorous industry of the other class has amply exhibited to agriculture

in Great Britain. By comparing the humble state of this art in countries blessed with the happiest soil and climate, where this motive is absent or feeble, with the perfection to which British agriculture has lately arrived, we shall be enabled to appreciate the immense value which the successful industry of consumers has stamped on the soil. It will then be obvious that it is the direct interest of landed men warmly to embrace every measure tending to soften the hardships, alleviate the calamities, and promote the comforts of this great class of people, whose industry has so greatly advanced the value of land-property, and by whose prosperity alone such value can be preserved; particularly, not vainly to expect advantage by hampering their subsistence, but to do every thing possible to accommodate them with food at the rate they can afford to pay for it; so that they may be enabled to prosecute their industry on the same terms with other countries, and the nation be enabled to preserve an advantageous intercourse with those around it. Thus, and thus only, present difficulties may be overcome, and mechanical industry revive and support agriculture: whereas an opposite conduct is only aiding the present distress to precipitate the decadence with which the nation is threatened, and in which the value of land, and the interest of proprietors must be involved.

The delusion which prompted landholders to assume an interest separate from that of the community, has been productive of other bad consequences. By mistaking a state of warfare for a permanent state of prosperity, and raising their rents to an extravagant height to comport with it, they have enfeebled the power of agriculture. Landholders have indeed enjoyed large revenues for some time past; but the failure, which now succeeds, must be felt as a painful privation; and what is still worse, this increased

revenue, with war-taxes, the great and sudden fall of the price of corn in the end of 1814, &c. has been gradually consuming the capitals of farmers. Every one knows that without an adequate capital, a farm cannot be cultivated to advantage; and surely that which is possessed by skilful, experienced men, and acquired in the pursuit of the profession, is best adapted to the purpose. The dissipating of this capital is breaking the arms of agriculture; for where is capital to be found to supply the loss? or who will risk their capital in an employment by which those have been ruined, who have acquitted themselves so handsomely in it?

To have the charge of bringing forward all that skill and industry can extract from the soil for the support and comfort of the nation—for upholding the rank of the superior orders, and preserving the existence of the lower, is an important trust. An employment of such radical importance, in which the success of any individual is so far from encroaching on that of others that every judicious exertion for private emolument, by making land more productive, promotes the power and wealth of the state, has something liberal and dignified about it; and a wise nation will consider it as such, and cherish its native feelings, by regarding those who devote themselves to this important employment in a respectable light. This is equally the interest of landholders, as by men of a liberal independent character the cultivation of the country will be most successfully conducted. By straitening the circumstances of husbandmen, by over racked rents, their spirits are depressed, their industry enfeebled, and the improvement of the country suspended. They should therefore be placed in independent circumstances, and have the prospect of earning, at least, as great personal emolument as might be expected from the same abilities, capital and industry in other lines of business,

and at the same time full security for enjoying the fruit of their labours. Such husbandmen would discern it to be for their interest to accommodate an industrious population with provisions at such rates as the wages of their labour could afford, and turn their attention to that purpose. And thus cultivators and consumers would go hand in hand in the improvement of the country ; and as the wealth of the nation increased, the value of land would also increase.

The former asserters of an interest attached to land-property, exclusive of that of the nation, at the end of the seventeenth century, regarded the bounty to encourage exportation as an important branch of their system ; and much ingenuity has been idly employed to display the wisdom of that measure, which requires no other refutation than that which time, and the alterations accompanying it, has since exhibited. Their successors of the present day, however, embrace the same measure as fondly as if there had been no such alterations. But the puzzling question, so much agitated, whether the nation has been enriched or impoverished by the practice of promoting the exportation of corn by bounties, in the first part of the last century, is now at rest. For the last forty years the surplus growth of British corn, in any year, has been more than counterbalanced by the deficiency of succeeding years, although the improvement of the fields, and the increase of land-produce, has been greater during that period than any preceding one. We may safely assert, therefore, that however it may have been in former times, the nation has been as much impoverished by the exportation of the last forty years as the amount of the bounties paid to exporters ; since the surplus of a plentiful year might have been economically saved, to supply the deficiency of the following. For the last twenty years, the average price of corn in Britain has exceeded that on

the continent more than in former times, and now, in 1817, the former is said to double the latter: to force the exportation of corn by bounties, with such odds, would surely be a ruinous traffic.

Upon the whole, the business of agriculture is to apply all the skill and labour requisite to obtain from the soil the greatest possible surplus of produce, above the expense of cultivation, for the subsistence of the inhabitants in such plenty and comfort as to facilitate their industry, and maintain or increase their numbers, and thus ensure the best market for its productions, exporting whatever residue may be, if it can find a proper market. Land, thus cultivated, is the basis of power and wealth, and the cultivation of it an employment of the first importance to the prosperity of the state. But when the expense of cultivation exceeds the return, obtainable in a limited period, agriculture changes its beneficial character, and becomes the cause of weakness and poverty. There are spaces in the country left in a waste state on account of their apparent sterility, often destitute of soil, or having a thin, ill-constructed soil, upon a defective bottom, and having produced no fermentable herbage, contain none of its spoils in their bosom. Unless such spaces can be made to produce grass or timber at a moderate expense, it would be better to leave them as they are. Such spaces being destitute of all the qualifications of good corn-land, the vain attempt to confer such qualifications by much labour and expense which could never be repaid, must tend to the diminution of national wealth. Thus public premiums and bounties for the encouragement of agriculture are of as doubtful import as those bestowed on commerce and manufacture, and those who require the aid of the public revenue to convert barren into fertile lands, do not appear

to be more correct in this than in other articles of the exclusive system of the landed interest.

But though the population of a country be the genuine support of its agriculture, and when industry is prosperous, will prove an effectual one at this distressful time, when many are pining for want of bread, and the means of earning it, the preservation of the nation demands that the starving multitude be kept alive by means of some employment; and this might be directed so as to promote the agricultural, the most important national interest. For this important end, a large sum from the public revenue should be applied; and this urgent duty it is not likely a wise government will longer overlook, notwithstanding the low state of its finances; and it may be hoped that wealthy individuals will liberally follow the example. With such funds, many unemployed people might be put to work all over the country in constructing or improving useful roads, in making or improving common water-courses, by which extensive districts might be more effectually drained, or water diverted from being injurious, to serve useful purposes; in gaining rich low-lands from the encroachments of the sea, by embankments, &c. &c. Many, whose hard labours are now superseded by the decline of manufacture and the substitution of machinery, might thus earn a subsistence by performing valuable services to the nation. As it is not probable such numbers can ever again be recalled to their former manufactures, those people, acquiring dexterity in the use of rural implements of labour, might in time carry a more accurate culture over the face of the country; and in many ways their labour be directed to improve the value of land, while their existence was preserved in humble comfort.

In the mean time, since Britain is so circumstanced that

she cannot be a great agricultural country by means of exporting corn, the dread of lowering the value of that article may be quieted, by laying more of the country in grass. The gloomy and humid atmosphere of these islands is better adapted to the growth of grass than of corn, the former requiring less sunshine than the latter; and the provisions procured by means of grass are as much in demand as corn. Land laid properly in grass is always acquiring some additional fertility; and when corn comes to be demanded, such land will yield plentiful crops at less expense. This alternate shifting may serve as a succedaneum for bounties on the exportation of corn; and the additional fertility acquired by the soil under such treatment, will be in store to feed increasing numbers of people, if prosperity shall return.

Since it is impracticable to establish an interest in land-property, exclusive of that of the community, and since all attempts of the kind are productive of disadvantage, disappointment, and disgrace, it would surely be becoming country gentlemen to abandon a mistaken selfishness so hostile to their own interest and happiness, and resume the former respectable character, in which their advantage and enjoyment are only to be found. The unparalleled national distress, the failure of industry, the misery of a suffering people, and the alarming prospect of what is still to follow, threaten a fatal decline from the prosperity which the nation has long enjoyed, if some effectual remedy be not speedily applied. As none have so deep a stake in the preservation of their country as land proprietors, so none can have so much power to support it as that great body, if they would cordially unite their best endeavours for that purpose. Let them, then, dropping all party feelings, make a joint and earnest call on Govern-

ment for the means of employing the starving poor, to which it is their interest to liberally contribute. Let them instantly apply to the legislature for the repeal of the ill-judged corn-law, which is now enhancing the misery of the people. Let them, in their respective provinces, hold out a healing hand to the distressed sufferers, by sympathising with them, soothing their irritated feelings, and show in every respect that they entertain a proper value for them as brethren, and useful members of society. In short, let them, in the whole of their conduct, show that they are actively disposed to promote their own interest by the wisest and most effectual means, that of restoring the comfort of the lower class. If, by the strenuous exertion of such endeavours, the threatened decadence shall be averted, and matters restored to a proper level, the industry of the people may glide into new channels, and proceed with renovated activity. Agriculture will then revive, and the value of land advance with the prosperity of the nation.

for the purpose of the present and for the future.
The present is the only time we have to live in.
The future is a dream and the past is a memory.

I believe in the power of the human mind.
I believe in the power of the human will.
I believe in the power of the human spirit.
I believe in the power of the human soul.
I believe in the power of the human heart.

ESSAY
ON THE
PRACTICE
OF THE
BRITISH GOVERNMENT;

DISTINGUISHED
FROM THE ABSTRACT THEORY ON WHICH IT IS SUPPOSED
TO BE FOUNDED.

BY
GOULD FRANCIS LECKIE.

LONDON:

1817.

INTRODUCTION.

THE subject of the following pages has, for some years past, become involved in so many different questions, and subject to such various opinions, that it would be difficult for an intelligent stranger, who visited this country, with a view of making himself acquainted with the nature and spirit of our polity, to form any clear and distinct ideas of it. Delolme and Blackstone have rather given us panegyrics on the government, than described the real springs which actuate the complicated machine; each has drawn an abstract theory of what its operations should be, rather than a real picture of what they are. In reading those works one might suppose this government had been framed by some superior intelligence, and calculated by the same power for the use of man: no allowance is there made for human frailties, or vices, for selfishness, corruption, faction, and ambition; the theoretical balance is set up, and they fall us all turns on its pivot.

As soon, however, as we begin to examine the machine of the government practically, all the strongly marked features delineated by these writers gradually fade away, and we find ourselves surrounded by all the cabal and selfish views, to which human institutions are and must continue liable, as long as man remains as he has been formed by the power which produced him. Every possible system of government has been already tried in some time or place, and it has been found that each has its peculiar defects. To get rid of the inconveniences of one system, by establishing another, is only to fly from devils we are not accustomed to struggle with, in order to introduce others, which we are not prepared to combat, and the history of all revolutions is but an abridgement of this principle: all we can do is to palliate those evils which press hard upon us, by modifying the laws we live under, and in our attempts to go to a new principle, we have our work to begin all again, and new mischiefs to provide against, which we cannot foresee, nor can we be sure of

preventing. It has been the practice of former writers, to describe the superiority and excellence of the British government over that of other states; and it must be confessed, that there is so much to praise; that it is no wonder that men should be so transported with the subject as to shut their eyes to its imperfections.

The flattery which has resounded, from all parts of Europe, in the ears of Englishmen, has had its share in supporting this fallacy; and the British constitution has been considered as the perfection of human institutions. The design of this work is not to run counter to those favorable impressions, nor to endeavour to prove the reverse of what has been so triumphantly advanced. Its object is merely to point out the inconveniences to which the system is liable; to trace, if possible, their causes; and, so far from recommending any supposed infallible remedy, rather to put men on their guard against the dreams of theorists, who, under pretence of making us quite perfect, would plunge us into confusion, from which we can never emerge but by the dreadful tranquillity of military despotism. We have already once run this career; and the restoration of kingly government was welcomed as a blessing even by the dupes of those visionary schemes which had destroyed it.—But if we again precipitate ourselves into the same abyss, can we be sure that the tragedy will end in the same manner? Can we calculate on the return of a second Monk? a man with just talent enough to profit by the crisis, and wholly void of all ambition, or even spirit to play a high part. The fallacy of such a hope has been seen in France. Much as this country is indebted to its Parliaments for the blessings it enjoys; much as that council has been the bulwark of British liberty; still we ought not to blind ourselves to the evil consequences of carrying our admiration too far. We should never lose sight of this axiom, that the House of Commons are to be considered as the defenders of our privileges, not as our masters. It is to the crown we owe allegiance, and while every attempt to violate the freedom of individuals is abandoned by the latter, we ought to moderate our extreme jealousy of that, in which consists the supreme power of the state; lest, by depriving it of its influence, we by degrees transfer a power, which we cannot annihilate, into other hands. On this subject, more will be said in the sequel.

The alarming increase of the power and influence of the crown is a subject so popular, and on which so many have exerted their eloquence by stating in parliament, that it may seem strange to many readers, when they come to see, that, according to this view, the evils we suffer

result rather from the very opposite cause. The ardent lovers of freedom will perhaps be startled, when they are told, that, if ever we lose our liberties, it will more probably arise from those who are placed as the defenders of them, than from any other quarter.

It may be gathered, from the history of all balanced constitutions, that each order of the state seeks, from the nature of man, to extend the limits of its authority. To a certain point, this strife is salutary to the state: beyond it, those evils which we endeavour to shut out, on one point, overwhelm us on the other. It is equally dangerous to the freedom and happiness of the state, that any order should exceed its due bounds. Kings have become despots; aristocracies have trampled on the people; but no tyrants were ever more dreadful than the French representatives of late years, and the House of Commons in the time of Charles the first.

On many occasions, a jealousy of the crown may be laudable: on others, it may cause the very evil we most dreaded.

It must ever be remembered, that all deliberative assemblies consist of individuals; of course, they contain within themselves all those defects to which individuals are subject. Let the violent advocates for Parliamentary reform and universal suffrage urge what they please, they will be truly disappointed, if they expect ever to convene an assembly of men perfectly wise and virtuous; and should the experience of the fatal consequences may be easily foreseen.

Parliamentary reform is at best but a dangerous experiment, unless, at the same time, the royal prerogative be strengthened; and this need not be done at the expense of individual freedom. Should either of these events take place, wisdom requires, that the concomitant abuses to which each may be liable, be duly guarded against.

A reform in Parliament would be so prejudicial to the interests of powerful individuals, that, if ever it be attempted, it will most probably be done by halves only, or else be carried through with so little moderation, as to endanger the whole fabric of the government, and bring in a republican form, or in others the most tyrannical; and of course the worst suited to this country.

Of the corruption and cabal which from the present vicious construction of our policy, and which is calculated rather to sting, than to encourage, all our public spirit, the same mischiefs would in a far greater degree multiply, if a more complete system of parliamentary reform.

In this conjuncture, which may and may not occur, the crown will need all its firmness to resist the attempts which may be made to overthrow it; and ministers will need all their wisdom and prudence, as well as

unanimity, in the advice they will have to offer. If they fail in this, either from want of a clear view of events, or from discord among themselves, the prospect will open to us with a very clouded aspect.

The intention of this treatise is to prevent evils, by anticipating their danger; to contest with the insidious outcry against the encroachments of the crown, to show its real motive; to diminish the prejudices against monarchy, and to show its total difference from despotism. In this essay, speculatively, monarchy is held to be the best of all governments; in the same manner it is in many respects preferred to the theoretical British constitution; a system excellent in speculation, but a speculation never strictly reduced to practice, and in fact incapable itself of being realised.

This part of the work should by the reader be considered as purely speculative: those who have been eye-witnesses of revolutions, will be the last to promote them at home. In the same point of view may be regarded the plan of parliamentary reform hereafter delineated, not only because, if it were adopted, new inconveniences might arise, but also, because power exists no where in this government, to reduce it to practice: the influence of great families being too strong to permit the execution of it. The resistance of these, however, to any reform, may put them some day in a predicament, which will force them to accede to one, in which no moderation will be found.

A deliberative representative assembly, carries with it such innumerable inconveniences, and has in its nature so many inherent vices, that, construct it as you please, you will still get farther from perfection. We ought, therefore, to content ourselves with endeavouring to make it as little likely to do mischief as possible. The only way to obtain this is so to class the electors, and so qualify the candidates, as to render it most probable that virtuous, wise, and moderate men should be chosen, and that the ambitious and turbulent should be excluded. Great are the difficulties which would here arise, and these we shall endeavour to point out.

No regard to the feelings of various parties will be permitted to influence a single line of this work. The author's wish is to invite all those who are attached to their country, without the medium of party to unite together to support the crown against oligarchy on the one hand, and democracy on the other.

CHAP. I.

A Brief Survey of Parliamentary Proceedings from the Revolution in 1688, to 1812.

WHATEVER be the form of a government, none can be absolutely immutable or perfect. A multitude of circumstances introduce changes more or less sensible, more or less rapid. Great Britain particularly presents a striking proof of this vicissitude, and experience has shown, that the British are not less susceptible of absolute servitude than of unbridled licence.

After a series of efforts between the parties to establish a political system either of monarchy or republican liberty, men became weary of the contest, and of the evils resulting from it. A compromise of principles was agreed upon at the restoration of Charles II. and on this were regulated the concessions which each of them reciprocally made: one party consented to a limitation of liberty, the other to that of the supreme power. The primitive characters of the parties was never, the less not totally effaced: in one party there remained a decided inclination for a republican government, in the other a preference for a less restrained royal power. Neither one party nor the other dared openly to avow their desire of gratifying their inclination; they both retained themselves to a declaration of satisfaction of the arrangement which resulted from the establishment of the limits of liberty on the one hand, and those of the sovereign power on the other. They tacitly reserved to themselves the faculty of interpreting the different senses which the consequences of this arrangement might occasionally present to the rival parties, and led into a state of intemperance, each however endeavouring to prevail over the other, under the pretence of only seeking to preserve a just balance. These formed two distinct parties, one known by the appellation of Whigs, the other that of Tories.

The princes of the House of Brunswick confining themselves to the

operation of the *vis inertiae*, (if the expression be allowed) and giving no encouragement to the zeal of the partizans of an extended prerogative; this zeal was by degrees cooled, until the denomination of Tory became obsolete. They gave themselves up to their ministers in whatever regarded the point of royal prerogative. Very soon, the ambitious, the restless, and those eager for power, for dignity, and emolument, perceived that the only avenue was by the occupation of the ministerial offices, in which consisted the exercise of that power of the government, which by the constitution devolved on the King.

Before we proceed farther, it were well to recollect, that the origin of the party which has by the above means triumphed over the other, and which we have designated by the title of Whig, was no other than that, which overturned the throne of Charles the First. We shall be able to trace a similar spirit in their successors, although circumstances have moderated their pretensions, and have obliged them to keep within the bounds established by both parties at the Restoration: When the House of Hanover came over to this country, the violent contentions between the monarchists and republicans were still fresh in the minds of men. The princes of that dynasty naturally considered the House of Commons as the hydra, which once already had abolished the regal power, and which had also excluded the lords from a share in the government.

The Commons, conscious of their own power, were not likely to be moderate in their pretensions; it was therefore determined, in order to avert their resentment, to conciliate them by a participation of that power, against which they were considered as the guardians and defenders of the rights of the people. Before this they were no more than the tribunes of the people; they became by this operation in some measure their masters. As in this arrangement it was impossible for all to have a share, it became an object of contention, who were to be the chosen few. Hence arose a second distinction of men; that is to say, the government and opposition parties. The crown apprehensive of a renewal of troubles, determined to allow these parties to balance one another; and it was sometimes to divide them, and then adhere to the strongest. Thus the House of Hanover accepted the crown, as one takes a contract. They literally fulfilled the functions of royalty; and, as strangers, avoided all enterprises which could embroil them with the Parliament. As much as they constituted themselves with moderation, so they never assumed any great and important offices; they have thus avoided disputes and troubles with the states, but have abandoned them to their factions and dissensions, without ever exerting that influence which alone resides in the regal authority, either to quash or reconcile them. The spirit of neutrality which they brought with them, and in which they have most strictly persevered, has obscured the brilliancy of the throne, while it has tended to weaken the energy of the state: they may almost be said, rather than have gained in the name of their ministers, to have lost that ministers have, or models of them, who have adopted a similar line of policy, cannot be supposed to have any

views of their own of a general and extensive nature; and as a succession of factions must have in many respects opposite views, in vain we seek in Britain for the soul which animates the body, and which constitutes its unity. This order of things from long usage is become so inveterate, that notwithstanding it is the cause of every political reverse we have suffered, and is likely, if permanent, to cause many more, it is considered by the generality of mankind as the peculiar beauty and perfection of the government.

The Whigs have ever endeavoured to advance themselves in the opinion of the multitude, by holding up to them the image of despotism, instead of representing the royal power as the centre of public will, and the basis of confidence. They have even affected to consider the crown as a public enemy, ever watching to enslave the people, and to trample on the fundamental laws of the kingdom. How often have they told us, that the peace establishment of the army were praetorian bands, who would, at the nod of the King, be ready to reduce us to slavery? All these insults and attacks, which royalty has borne from these patriots, have been more owing to its own fault, than to any other cause. A sovereign who reigns half a century without appearing, but through the ministerial veil; who has allowed all the ambitious and factious candidates for power to contend with each other, without ever declaring an opinion of his own, or having any direct communication with his people, secluded like the grand Lama of Thibet from the beginning to the end of his reign, must inevitably become first the tool of one party and then of another; his name must sanction the most contradictory resolutions, and he must submit ever to become an instrument in the hands of a predominant party.

It has often been alleged that such is the excellence of the British constitution, that it signifies little whether the sovereign be a great or a poor character; this pretended axiom is no more than the effect of habit and prejudice; we have been so long habituated to the neutrality of our kings in great national measures, that we cannot imagine any other order of things possible, and there is a spot on the globe where prejudices take deeper root than in this country. Many people think that a great and enterprising prince, at the head of these kingdoms, could never hit on a more glorious pursuit than that of sending some individual to prison without the proper forms of law; that a weak and vicious prince would wish to destroy the privileges of his subjects, may easily be conceived, but that a great character should occupy himself in such a manner appears highly improbable. The interests of ambition are great better presents objects far more attractive than the glorious exploit of putting a rebel into Newgate, an operation which may be done by the verdict of his own countrymen. The advancement of the power and influence of his empire in the eyes of nations, the encouragement of science, and the general prosperity of his subjects, are objects which such a prince will naturally pursue. The infringement of the very code of laws, from which his own safety and power derive, would be both useless and absurd; and princes employed about great objects have no time to think of such pursuits.

The most powerful empire which a human being can exert over his fellow creatures, is that of opinion; and if a nobleman or even a commoner can find means to gain such an influence, what is to prevent the sovereign from taking the same advantages? Whatever sentiment a sovereign utters, is preserved and repeated: such sentiments may be so many appeals to public opinion, and here he must have the advantage over every one. Unconstitutional interferences are unnecessary on his part to gain the public confidence; a sovereign will always reign, if he be the best statesman in the country; and he will have sufficient strength to support such a system of exterior policy as he deems advantageous. As ministers are considered to be advisers of the sovereign, so they are answerable for his conduct; but as he chooses them or is supposed to do so, they must either defend his measures, or leave their places. A sovereign who has the address and wisdom to rival even the demagogues in the public opinion, will never be at a loss to find ministers, because his conduct will be wise, and require very little sophistry to defend it; and, acting on the principles here described, he would put an end to the factions which have made Great Britain, in her connections with other states, the weakest government in Europe.

The neutrality of the crown in the struggles of various factions may be considered both as their cause and their effect, and we know of no other part of the constitution competent to remedy the evil. The kingly power, even in its present state, appears so far as to keep them from breaking out into civil war; remove it, and these factions would glut themselves on one another until none were extirpated: The conquerors that would divide, and true republicans virtues would develop themselves in all their native deformity, until a military chief would put an end to the theatrical farce, as Cromwell and Bonaparte have already done. But to return to the subject.

The object of the kings of the present dynasty being to leave the operations of the government to pursue their own course, they felt that the advice of their ministers could only be followed by individuals who enjoyed credit sufficient to carry those measures in parliament which were essential to its operations.

They, who aspired to the cabinet, from this instant felt the necessity of acquiring a great credit with the parliament, and with the nation with a view not only of obtaining their places, but also to preserve them when obtained. This has produced a regular system of sycophancy among all parties as competitors principally in the distribution of the favors and gifts of the crown to such individuals, whose talents are judged fit to be employed, on to those whom it would be thought proper to punish.

An opposite line of conduct on the part of those who have not had equal success, consists in logging as much as possible the evils of the government, when by such means, occasionally laid to tempt the ministers, or by an open opposition to such of their measures, as the best effect shows to doubt on their propriety towards the public interest; and particularly to fasten on those, which can be the least

appreciated by the multitude, who only judge events from their success, and are for the most part unable to combine effects with their causes. The snares above alluded to consist in proposing to ministers specious measures, which they cannot adopt at the hands of their rivals; without tacitly confessing the zeal of the proposers to be the most pure and enlightened; nor can they reject them without incurring the animadversion of the public, so liable to be seduced by the apparent excellence of their proposals. It is by such dirty and crooked paths in this country, that the ambition of men to shine at the head of public affairs can only be gratified!

A long time elapsed before any thing occurred, which led to questions even relative to the constitution of the government. In the interim the nation could remain tranquil spectators of the struggle between the party in the cabinet, and that in opposition, as long as it regarded such events only, as were interesting simply on the point of their superiority over the enemy. The principal question which then offered was nothing more than what regarded the propriety, by which it might be won and preserved. Hence discussions on the capability of those who were to point out those measures, and direct their application; in short, all questions of peace and war. It was by this means that the reputation of those, who pronounced either in favor of the one or the other, depended on the probable result.

An inevitable effect of war being to burden the nation with contributions in proportion to its expense; and as a series of wars produces an accumulation of taxes, which it must seem difficult to meet without causing the ruin of those sources of industry, on which the people subsist; it follows that the solution of this difficulty becomes one of the principal objects of the solicitude of government; that is, with the party in possession of office. The administration of the finances of course appears in some measure to be the most prominent and characteristic duty of that individual, to whom the first office of the state should be confided; in this point of view the second duty of the minister of finance resulted more from the opinion of the superiority of his talents, than from any established precedence in the dignity of the office. A minister of finance became the chief in the cabinet, merely because he had been previous to his accession to office, chief of that faction, in which had successfully gained the majority in parliament. Every one, who considered the good fortune to be at the head of a party before he had attained to power, may become the chief of the cabinet by every other title than that of minister of finance. The most remarkable instance of the truth of this reflection, was in the example of the celebrated Mr. Pitt; afterwards Earl of Chatham, who chose the office of foreign affairs in that ministry, which was composed of his party. Thus the rank of minister is not distinguished by the office he holds, but by the credit or influence he has already established among his constituents. In order to designate a succession of administrations, we apply to each the name of the chief of the party on whom it was composed; and in this country the duration of each ministry is marked by his name, which is affixed to the whole; be the height of his ascent

marked each by their proper name; thus we say the Pitt administration, the Portland, &c. &c. This manner of naming each party serves also to designate their principles, or rather their political conduct, with other nations; and that which has got the reins into their hands decides entirely for the time being, what are the actual principles which characterise the British government; the king being nothing more than the titular chief.

As to the influence which any principles of external policy adhered to by the cabinet may have on the people, experience shows that with all, and particularly with the British, it must depend on the turns which opinions may take by means of the impression, which events may make on the nation, and the hopes which most animated them at the time: but as, for this reason, public opinion must be ever variable, the principles professed must here be equally so; hence the inconsistency of the British cabinet, at different periods, which strikes and surprises all other nations, who are unable to trace its cause.

From what has been above said down, it follows, that, in order to arrive at power, or to maintain it, the principles of the aspirers, or occupants, should be conformable to the predominant opinion of the public, or at least that they have the means of gaining the public mind. In the first case, the prevailing party may owe its success only to an accidental concurrence of public opinion with its own views; in the other, the success may depend on certain *parliamentary* talents in the successful party.

Ever since the Restoration there has remained a leaning of royal opinion, sufficient to occasion in the minds of those, who know the full value of public tranquillity, an apprehension that it might again produce new troubles. The general opinion therefore has been with those in favor of the royal authority.

The use, which James II. made of this disposition, alarmed the majority of the nation, and gave weight to the arguments of those who were for resistance to arbitrary power; that is, what is generally understood to mean the extent, with which the royal prerogative was endowed by the constitution.

The different points, on which James had provoked the resistance, which caused his downfall, became the objects of additional laws, tending directly to the limitation of the royal prerogative, on the establishment of the predominant religion, as the order of the succession to the throne, and on the rights of the people. The Catholic religion was then an object of general dislike; and laws were made prohibiting the exercise of it. The majority of the nation was, for a long time, satisfied with the measures taken to guarantee the constitution. weary of war, both at home and abroad, which had been occasioned by the great change in the government, designated by the suppression of the glorious Revolution; this public inclination to reconciliation with a system on the part of the government (that is to say, the ministry) tending to promote peace at home, and to smother the flames of the civil war, which had been kindled; the national virility was revived against France, which had joined the houses of that nation; it was this

played during a very long period, in attacking the heiress of the Austrian monarchy. On that occasion, the opposite parties in England found a subject, on which to divide in opinion, on the propriety of peace or war. The matter was sufficient to occupy their minds, and dispose them to range on one or the other side. The advocates for war succeeded to commence it in 1755, and their reputation for transcendent abilities was indebted to the energy of the army, as well as to that of the allies: this, for a long time, supported their credit and power; and, in order to prolong their duration, the party thought they could not carry their system, tending to humble France, too far. They had always represented that power, and with much reason, as the irreconcilable enemy of Great Britain.

The first propositions of peace, made by France, having been rejected as insufficient by Lord Chatham and his party, were, by the opposition, represented as quite satisfactory; and discussions of course were entered into on the propriety or impropriety of peace.

The burden of taxes, accumulated during the course of the war, prevailed over every other argument tending to recommend the pursuit of farther glory and success. Lord Chatham and his party determined to retire from office, to leave to their adversaries the task of concluding a peace, for which the nation had showed so much eagerness. The Chatham party, however, reckoned that they might, ere long, procure a censure of that very same peace, from the same nation! and against the very party, who, supported by public approbation, had signed a peace, which they would not mean to represent, as both degrading and dishonourable to the empire.

The Chatham party, notwithstanding, succeeded to overthrow those who had made peace; but the King determined to follow the advice which Lord Bute had given him, which was, to endeavour to form a ministry which should have the appearance of being obtruded on him against his consent. The juncture was favorable, no subject of discord was apparent; the nation aspired at no more than the enjoyment of tranquillity, and the alleviation of those burdens which war had necessarily occasioned. The ministry, who, by the censure they had procured from the nation, had returned into power eager against the principles they had professed to satisfy the wishes of the public; conceived a plan of finance, by which duties should be raised from two great foreign establishments, proportioned to the expense occasioned by them, in which these two establishments had been pecuniary gainers, namely: the East India Company, and the colonies of North America.

The impression made by this state of finance on the two settlements, soon furnished serious matter for division in the public mind. The ministry sunk in the contest which arose on this occasion, on what should be pursued respecting the retention of the colonies; that which had referred to the East India Company remained undecided, and fell to the lot of another ministry to provide for it.

During this period, while the minds of men were very much heated on the question of the colonies, an imprudent attempt to secure an

incendiary demagogue,* in virtue of an order of arrest conceived in terms too general and loose, produced a popular commotion in the capital, by which means he found a pretext to declare himself the defender of the liberties of the people: one party reclaimed the guarantee of the law, which provides a remedy in cases of arbitrary imprisonment, without specifying the nature of the offence; while the other urged that the King's prerogative ought to be armed with the necessary powers to provide for the security of the government. The partisans of the popular question having gained the victory, from that moment ambitious spirits conceived the hope of acquiring reputation, by the zeal they might show in favor of that portion of the nation; which might be distinguished by the demonstration of the people.

The ministry, being at length fixed, principally by the advice of the King, confined themselves chiefly to the direction of the interior affairs of the state, connected with the control of the East India Company. This part of the administration had become of great importance, from the vast extent of the company's possessions, the preponderance it carried among the divers potentates in that part of Asia, and the reduction of the power and credit of France in that quarter. The ministry conceived an idea of making the state participators of the riches of the company, by subjecting it to certain direct payments, as the bonus for the renewal of their charter, in virtue of which, the company were to have the right of extending their power in India according to the dictates of their interest. The embarrassed state of the company's finances at that period, having obliged it to recur to the assistance of government at home, furnished ministry with means to subject the company to a system, according to which the supreme power of the government of India became subject to that at home.

The directors of the company, being thus obliged to concert their principal measures with the ministry, were intitled on their part to claim all the indulgences which depended on them, for the better success of their operations. One of these at that time was to obtain a means of selling off an immense quantity of tea which, it was feared, would remain on hand in the company's warehouses; and as that difficulty was increased in North America, in consequence of the repeal of an act of parliament which had imposed certain duties on that article, and among which the article of tea was contained, the ministry proposed to themselves to recover a part of the profits which would have produced, and thought that the most proper method would be to levy a certain export duty, on tea destined for the colonies. The ministry conceived that, by this expedient, they might subvert the whole objects of drawing contributions from the colonies in favor of the state, without admitting the pretensions of the latter, yet being subject to no losses. The directors of the company, however, were not to be so easily won. The object of the ministry was to give him out, as the House of Commons, by a bill, and under a vague accusation, in prison, during the elections, and the imprisonment of Wilkes being declared illegal, and having been returned during the imprisonment, he became a member in spite of the prerogative party, and during this period, the question of the duration of the session, an important attempt to secure

impositions whatever, without their own consent specified in legal terms.

Ministers thought, by these means, they had found an opportunity of trying a plan, which they hoped would subject the colonies to all the measures dictated by government at home, without admitting them to any share in the deliberations on them. This plan had been discovered by the Americans, who, in consequence, were so much the more on their guard against all the steps which the British Government might take. The sale of the tea, charged in advance with the tax, comprised in the price of the article, became a declared object of resistance on their part. The violence, with which this was expressed, produced at home, in the beginning, a sensation so general, that all parties concurred in expressing their indignation, and resolving, that the authority and dignity of the metropolis should be supported.

This unanimity was of very short duration, and very soon, the Americans found advocates of their cause in the parliament, in those who aspired to the ministerial office. These gentlemen enforced their opposition to those in place, by clamors against their injustice and imprudence, which, according to these reasoners, tended to prove the incapacity of ministers to direct the measures of government entrusted to their guidance. The discussions on the reasons favorable to the colonies, and on those which made against them, soon gave birth to questions, which bewildered the public opinion, on the rights of nations in general, and on the extent of the powers of government. Parties became warm on these various questions, and hence a new doctrine arose, the object of which was, to attribute *all public authority to the free choice of the people, who should also nominate those; into whose hands it should be deposited*; such was the language held by some members of parliament in those days! purely democratic! This contest, on the respective rights of the metropolis, and of the colonies,

This pretension was clearly enough indicated, by the preamble of the act, in virtue of which, taxes had been laid on many articles of exportation to the colonies; wherein it was declared, that the mother-country had the right of commanding her colonies on every possible occasion. The application of this doctrine not being discovered when the taxes were repealed, it was determined, that it might always be inferred from the act, which had only been revoked from temporary motives: that Government would sooner or later consider it as the basis of a new attempt to subject the colonies to such regulations, as should be found most agreeable to the interests of the metropolis. The general opinion in England was, that it was but just, that the colonies should contribute something towards the alleviation of a burden, which had been incurred by a war, principally carried on to remove from their neighbourhood a danger, which threatened them, from a rival power, which, it had been presumed, had planned the usurpation of the colonies themselves. But opinions at home were divided on the proper method to be employed, to bring the colonies to take their share in the liquidation of the debt of the metropolis; and the more so, as a direct system of taxation could not be legal, conformably to the principle, common to all British establishments, unless imposed by the concurrence of the colonies themselves.

drew after it another discussion, on the respective rights of the British people, and those of the crown of Great Britain, and of the parliament. From that moment, a diversity of opinions was spread throughout the nation, among which the most remarkable were, that the constitution ought to be reformed, and that it ought to remain as it was. From this period, a very sensible distinction took its rise among the various parties in the nation; that is to say, the reformers and the defenders of the constitution. The difference existing among the various classes of the former, consists in the extent to which they would wish to go; so that the doctrine of reform gives birth to a variety of sects, who, as they are not agreed on the most essential point, leave to the defenders of the Government, in its present state, the means of stemming the violence of the attacks directed against it. It is still true, that even at the present day, the cry of reform is sufficient to excite an interest with the many, in proportion to the notions they may form, how the proposed reform may open a prospect to the gratification of their own private views.

In consequence of this propensity, they, who aim at acquiring public favor, have more or less succeeded, according to the color they have had the art to give to their projects of reform, in order to excite the greatest possible interest, and thus to attract the most numerous partisans. The real object, however, of all the advocates for reform, has never been other than the power and advantages accruing from it.

The successful resistance of the colonies having given some weight to the objections made to the rigorous measures pursued against them, the party in opposition carried a resolution, that conciliatory means should be employed. A delegation, chosen from among the members of opposition, was empowered to treat with the colonies, at a time when they had already declared themselves independent. The commission failed in their object, the basis of which was, the acknowledgement, on the part of America, of the supremacy of Great Britain, for abandoning which no one at home had ever dared to avow an opinion: thus the opposition in their wisdom effected two operations, the one to counteract the government, the second to fail in their own operation.

The alliance of France with the colonies, now dignified by the title of the United States of America, was a sensible affront to all parties in England. The opposition perceived, in this event, the cause which had decidedly operated to frustrate the hope they entertained of bringing about a reconciliation, which would have substantiated their clamors against the ministry, and their own merit in preserving the superiority of the country over the colonies. The animosity of the nation against France, which had lately begun to mitigate, naturally burst forth afresh, and still more so with the opposition, who conceived that France had deprived them of a fine opportunity of overturning the ministry. The Americans, however, cherished their regard for that party in justifying them, by urging the necessity to which they had been reduced by the injustice of ministers. France, in the interim, drew on herself the odium of all parties. On this occasion,

ministers had no other plan to pursue, than to exert all the resources of the state, to avenge what was so generally resented. The war against France was blended with that of America. The problem of this war was to decide, whether or not its independence should be acknowledged by Great Britain, who could not avoid such a concession, unless she were able to force the French to abandon the cause; if this could not be done, it would be necessary to make peace with France, at the same time as a pacification should take place with America, acknowledged to be independent.

The reverses of war at length brought the majority of the nation to wish for peace; and the more so, as it had for its object the subjugation of a people, whose cause had by degrees, and by the *laudable* exertions of the opposition, interested a great number at home. They saw in the revolt of the colonies, the application of a doctrine, which they themselves relished; and this was all that could insure the enjoyment of what they deemed the natural rights of mankind, and the overthrow of kingly power.

The avowal of this doctrine had been the basis of the declaration made by the colonies, on the subject of their independence. So declared a success was well calculated to render it palatable in the application of similar principles, particularly whenever its interpretation could be favorable to the views of turbulent spirits, who perceived in its consequences the means, which presented themselves, of gratifying their ambition; thus these lovers of freedom sacrificed their country to the thirst of power!

The progress of this doctrine was more sensible and rapid in France, whose government had itself sanctioned it, in the declaration of the motives, which had induced it to declare war against England, in favor of allies, whom France had affected to consider as independent, not only in fact, but by right, and this announced in the most positive terms.

The pacification of Great Britain with France and the United States, extinguished almost entirely every spark of animosity against the latter; chiefly, because its cause had appeared justified by the course of events. With respect to France, it did not efface all animosity, which her interference had excited in a quarrel, in which she seemed to have no business, and which appeared to be the effect of malevolence in the French government, never to be stifled.¹

¹ At the period above alluded to, the French Government was by no means inclined to enter into any quarrel with Great Britain; the King of France had a natural aversion to war. The Count de Maurepas, whose advice he constantly followed, and who, at that time, really exercised the power of the French government, was so careless, that he treated with levity the most important questions; but the most ministers of modern date, limited himself to follow events from day to day. The Count de Vergennes contented himself with waiting to regulate himself by them, without ever dreaming that he ought to influence them. It was, in fact, the public opinion in France, which was excited in favor of America, and that more on the abstract question, than from hatred towards the British

At the time of the American rebellion, the opposition in parliament was by no means powerful; it was ill combined, and consisted only of independent parties, which were not agreed in their attacks against the ministry. The popular party, that is to say, they who affected to have nothing at heart, but the interests of the people, irritated the others, who aspired at power in its fullest extent. These, however, at last coalesced with the former, on account of the credit they had obtained in consequence of their declaration in favor of the Americans. The opposition, now become so strong, triumphed over the ministry, of which Lord North was the chief; and what is still more remarkable, simply by the blame they threw on it, of having caused the rebellion of the colonies, which they themselves had encouraged by their own declamations.

As yet there was no question of peace with France. This coalition flattered themselves they should be able to draw America from her alliance, and afterwards to turn all the strength of Great Britain on her. Such were the views of the new ministry, when they lost, by the death of the Marquis of Rockingham, a chief, whom the various members had agreed to follow.

A schism then took place, of which his Majesty took advantage to compose a new ministry; part of which consisted of those members of the foregoing, who seemed the most moderate. The chief of this ministry was Lord Shelburne, endowed with more talents than most of his personal adherents; it was thought fit, to remedy this inconvenience, by associating Mr. Pitt, whose name might probably rally the ancient partisans of the celebrated Earl of Chatham, and who had already, though very young, exhibited qualities to enable him one day to be chief of a party.

Mr. Pitt had begun his parliamentary career, by an enterprise of a nation. The English were at that time beloved and esteemed, and our government was considered as worthy of imitation; even our customs and manners, where they differed from those of other nations, were thought worthy of adoption. The King of France, the Counts de Vergennes and Vergennes, were literally carried away by the current of public opinion with more violence, than the cabinet of England would have been, on a like occasion, to espouse the cause of the colonies. It does not appear that the French government ever fomented any rebellion in America; they did not seem, at that time, either to know the motives, or the progress of it, but from the reports of a few French adventurers, and from the accounts of the American agents, who had arrived in France, and had excited a lively interest, owing to a disposition then beginning to show itself, of turbulence and love of innovation. A government as weak as that of France, at that period, was unable to resist this external impulse; pressed as it was after the battle of Saratoga, to choose between an alliance with the British, or their reconciliation with the Americans, the French government, France decided in favor of the fatal alliance.

It was in this ministry, that Mr. Charles Fox began his career as a minister in quality of Secretary for Foreign Affairs; the direction of which, at that crisis, required real talents, which had never been presumed to belong to Mr. Fox, than proved.

brilliant nature, in proposing a reform in the House of Commons, in a manner most tending to flatter that house, and the public opinion at the same time, both as to the national representation, and to the influence which the people ought to have in the government. Mr. Pitt, from being the stout champion of the people, became all at once the equally strenuous supporter of the royal authority, by being admitted to a share in the exercise of it as Chancellor of the Exchequer. This office constituted him principal speaker in the great questions relative to the general interest: he had the opportunity, in this situation, of developing those particular talents, which he had cultivated for the administration of the finances. In a short time, Mr. Pitt acquired a great reputation by the double impression which he had made, first as a member of opposition, and afterwards as a minister. He found the way of captivating the attention, both of the king and people, at an age when the generality of men can scarcely come forward, but by the support of some great personage, whose direction they must follow. Conscious of his own advantages, he could not but perceive, that it was only by possessing the power of the government, that he could aspire to enterprises glorious and useful. He then found it necessary to give up his project of parliamentary reform, which would tend inevitably to weaken the influence of ministers. The advocates for reform looked forward to the hope of one day transferring that influence to the House of Commons, in order that the predominant faction there might thus be able to maintain themselves in the enjoyment of the powers of government, without any solicitude about the opposition it would have to encounter from the crown.

The experiment which His Majesty had lately made, in forming a mixed ministry, which should appear to have been the result of his own free choice, was too alarming for those, who aspired to the exercise of the government, even without his consent, for them not to try every means of overturning the new ministry. A combination of all the malcontents formed an opposition strong enough to prevent any operation of the ministry from escaping the most virulent censures, as well as an open resistance by every legal means of parliamentary procedure.

The war in its progress had become so unfavorable to Great Britain, that the nation, on whom the taxes increased every day, showed a disposition to embrace a general peace, whenever it could be concluded, without making too many concessions to the powers at war at that time, amounting to four in number: France, Spain, Holland, and the United States, not yet acknowledged here as independent. The ministry, flattering themselves, that the benefit which peace would afford, would insure the public favor, seized the opportunity of a naval victory gained by Lord Rodney in the West Indies, which decided the superiority of the British at sea, and enabled them to enter into negotiations for putting an end to the war, whose primary object was now abandoned, by the disposition

evinced in the British government to acknowledge the independence of America.

It would not be difficult to demonstrate, that the success of this negotiation, so favorable to Britain, considering circumstances, depended much more on the moderation of the French Government, than on any equality of means on each side to carry on the war. The ministry, convinced of the superiority of means, which France had, combined with those of her allies, had penetration enough to perceive the inclination of the French government to terminate the contest, while they had the address, at the same time, to disguise their own, and to sign a treaty, which in the existing circumstances might be considered as honorable and advantageous: France giving up the greater part of the conquests she had made during the course of the war. Thus had events concurred for more than a century past, to bring matters to this point; and Great Britain was, for the first time, reduced to acquiesce in losses occasioned by war.

The versatility, natural to all multitudes, soon suggested to the opposition arguments, calculated to turn the public opinion against a treaty, the conditions of which it were more easy to find fault with, than to discover how much more galling they might have been. The declamation of the opposition against the authors of a treaty, which they represented as humiliating, prevailed the more easily to draw on them the general displeasure; particularly as the ministry had the disadvantage, with which their leader had to contend, unpopularity. Such are the dilemmas of British ministers; had they rejected these very conditions, so much complained of, the opposition would have made it a ground for their removal: this declaration was made by Mr. Fox to a person, who communicated it to the writer.

Although the coalition of Lord North and Mr. Fox was strong enough to overturn the ministry, which had made peace, it was not compact enough, when in office, to hold firmly together, as it had no fixed point of ralliame. There were three persons who composed it, having equal pretensions to be considered as leaders, though on various accounts; the Duke of Portland, as leader of the landed interest; Lord North, as having been a long time a ministerial leader, and Mr. Fox, whose pretensions were grounded on his popularity, and on having attached many distinguished persons to himself, by his pleasing manners, and by astonishing them with a specious mode of reasoning on great political subjects. This ministry, called the *Portland*, according to the general usage of considering the first Lord of the Treasury as the principal branch of the Government, was very soon brought under the influence of Mr. Fox, the most vehement, the most active, and the most supported by popular favor. He might, from that time, be considered as the chief of a party, declared for the diminution of the royal prerogative, and for bringing the whole Executive Government under the control of the House of

Commons, which should be guided by that party in it, which could best insure the popular favor.

This known propensity in Mr. Fox appeared so much the more alarming to the King, as soon as it was evident, that the Duke of Portland could be nothing but the ostensible head of the ministry, which the King had agreed to form with him; and as the Prince of Wales seemed to have given his confidence to the declared enemy of the royal prerogative. His Majesty was, with reason, still more offended at the defection of Lord North, whom he had hitherto considered as his personal friend, and as a sincere supporter of the rights of the crown. In order to ward off this real evil, which, His Majesty saw, must fall on himself and his crown, by the success of Mr. Fox's plan, he wished to try, if it were possible, to compose a ministry of a third party, which might attract a sufficient number of members from the other two, to secure a majority in parliament. His Majesty proposed to Mr. Pitt to undertake this enterprise, on the supposition, that he had the means of success. The zeal of Mr. Pitt induced him to consider his resources as sufficient. He eagerly expressed his hopes to his Majesty, on the probability of success, and induced him to signify to the Duke of Portland, that he had no further need for his services as a minister. A short time after, Mr. Pitt perceived his error, in thinking he could draw the majority over to his side, and signified, in consequence, to His Majesty, the inadequacy of his means to compose an administration agreeable to his wishes. The King then had no alternative, but to acquiesce in the composition of a ministry entirely according to the pleasure of the Duke of Portland, whose principal care was to regulate his choice according to the preponderance of the different candidates. Mr. Fox became, by this means, a second time, Secretary of State for Foreign Affairs; though, in the management of this department, he had not exhibited any very brilliant proofs of skill, nor any very exact knowledge of foreign affairs.

This attempt to form a new ministry, under the influence of Mr. Pitt, produced no other effect, than to make him considered henceforward as the declared rival of Mr. Fox, who figured as the principal character in a ministry, to which His Majesty had been evidently forced to consent, the only of government. From that period, the rivalry between them increased daily, in the warm contests which arose between them on questions of the greatest moment, both with respect to the great interests of the state, and to the nature even of the constitution of the government.

The first question on which these two rivals made an essay of their powers, was what the proper system to be pursued for the government of India, where the government of the company might often be endangered by the want of a constant co-operation of that at home. The plan proposed by Mr. Fox was so ably combated by Mr. Pitt, that the minds of both parties were brought to a point of view, which

The language of Mr. Fox was always, if analysed, that of pure democracy. Time, which cools the acrimony of party, will make this appear more visibly every day.

that the latter gained the majority, and by that means appeared to have gained the ascendancy in the public opinion. His Majesty eagerly seized this opportunity to dismiss a ministry, which for so cogent a reason displeased him, and consigned to Mr. Pitt the care of forming a new one, in the forming of which he might interfere, in favor of such individuals as his partiality pointed out.

Mr. Pitt, trusting to his own talents, gave himself little trouble to procure colleagues distinguished by great abilities; he sought rather to form a ministry, according to his own predilection for such individuals as, he was sure, would be received at his hands. This arrangement was not inconvenient, under the circumstances in which Britain was at that time: no more being necessary on the part of the government, than to maintain the order established, according to the principles of the constitution, in the sense most favorable to, the support of the royal prerogative, and to the ministry entrusted with the government.

The supremacy of the affairs of India having been judged a right of the crown, ministerial influence gained new strength, and the more so, as the right of the crown to that supremacy was established through Mr. Pitt's plan, in opposition to that of Mr. Fox, whose object was to allot that power to the House of Commons, with a view in future to establish the supremacy of that house in the general administration of the state.¹

Mr. Pitt, now the vanquisher of the party who had attempted to vest in the House of Commons the sole power of the administration, was, of course, obliged to oppose all measures tending to favor the views of that party, and to renounce, necessarily, his own plan of parliamentary reform, by the proposal of which he had made his first essay in public; he having in some measure contracted an engagement, to realise what he himself had represented as founded on equity and reason.

The alleviation of the public debt being an object of more general interest, and more pressing, at that time, than parliamentary reform, Mr. Pitt perceived, that a system of finance, calculated, on the one hand, to diminish the debt itself; and on the other, to augment the resources of national industry, would insure his credit: his success in this undertaking was such, that he was considered, generally, a man of superior talents. He at the same time, acquired a reputation for firmness, for prudence, and for eloquence, by the style in which he combated the party which he had overthrown, and which, of course, according to the established practice of parliament, had become an opposition, not only to the government, but personally to Mr. Pitt. Personal animosity did not however actuate all equally, so that such of the opposite party, as did not go this length, consi-

dered Mr. Pitt's success, he must infallibly have overturned the government, to establish a republic, of which he hoped to be the chief. These facts prove the nature of this ambition, of which France has since given so many examples.

dering Mr. Pitt as no more than a rival for power, of which they would have been content to deprive him, without changing the constitutional nature of that power, refused to support the violent measures of those, who, in order to gratify a personal animosity to Mr. Pitt, endeavoured to shake to pieces the government itself, by fomenting a spirit of discontent and inquietude, wherever a disposition of that nature manifested itself.

The doctrines on the rights of the sovereign and those of the people, which had been first broached in the course of the contest between Great Britain and the Colonies, had made such a progress at home, as well as in France and the rest of Europe, that their advocates could not conceive any government agreeable to justice and reason, which did not establish the absolute equality of every individual, and the possession of those chimerical rights which they considered as granted by nature. Even the British constitution appeared therefore, to such reasoners, to be defective in those points, which seemed to stand in opposition to the equality they deemed to be inherent in the rights of man. The scheme of a parliamentary reform offered, by its reference to the imperfection of the national representation, a pretext to insist on the total refabrication of the constitution. The promoters of this change, grounding their pretensions on the avowals of divers parties in parliament, on the imperfection of the representation, endeavoured to execute their project, first, defying Mr. Pitt to refrain from supporting it, since he himself had been the first proposer of it; and next, by seducing the majority of the nation by the proposition of universal suffrage in the elections. This attempt to embarrass Mr. Pitt, as well as to throw all into confusion, failed, by means of a difficulty which he started, on the proper time of consummating a work, the ground of which he did not disapprove, in that sense in which he conceived it should be understood. This conduct gave much cause of doubt, on the real motives which had actuated him to oppose, at the time, every innovation in the constitution; it gave strong suspicion that his personal ambition was at the bottom. This reflection kept up the credit of those who held that a reform would be both right and beneficial, and the prepossession of a great majority among all ranks of people had now got to such a pitch, that they began to admire their neighbours the French, as having, according to their view of the subject, acquired new vigor by a revolution, which promised to establish a form of government more perfect than that of Great Britain, whose superiority to the rest of mankind was attributed to it. The example of France was thought worthy of imitation, and seeing only the abstract equity of the principles which animated the French, they excused the excesses they committed, as a just exercise of their rights against oppressors long since deserving of punishment. Thus the revolutionists of France found a number of declared admirers among those, who wished for a similar revolution in Britain.

A little before this period, an event, very afflicting to the nation, occurred; which gave rise to a new discussion, on the choice of a

cabinet, which ought to be intrusted with the administration of affairs, during the incapacity of the King, to exercise the functions of his station. A serious illness had so injured his faculties, that added to the uncertain duration of the evil, it was thought necessary to supply the deficiency of the regal part of the constitution, by the transfer of its exercise to some regency legally acknowledged. The solution of this question presented to the different factions a prospect of getting the power of the government into their hands, each in proportion to the influence they hoped to exercise over whomsoever should be appointed, and who would of course be indebted to their party for the acquisition of the sovereign power. The difficulty opposed was, not only the dangerous consequences of leaving to the successful party the power of deciding when his Majesty was restored to the perfect enjoyment of his faculties, but even pointed to a change in the system of the government. The opposition to the formation of a regency became, thus, essential to the established order of things; the arguments for the maintenance of which, or for the changemens proposed, were therefore to be decided on by parliament, according to the impression which the arguments on either side should produce, for or against the establishment of a regency. The triumph of Mr. Pitt on this occasion over Mr. Fox, who had flattered himself with the hopes of wielding the supreme power, by the ascendancy he thought he had gained over the Prince of Wales, to whom the regency would have been allotted, was so evidently founded on the ability and vigor of the former, that he by that means appeared the great champion of the royal prerogative. The constitution was also considered to have been saved by him, since the royal authority could not suffer any diminution without a violation of it. Thus the friends of the established order found it necessary to rally round the most accredited of its defenders, and to desert a party which threatened openly to adulterate, under pretence of reforming it.

The convulsions of France having produced an effect contrary to the expectations of those, who had conceived that internal discord would have made her incapable of resisting external force; the British government now had to try its strength with the new political character which France had assumed, and which her rulers considered as useful to their designs. The plan pursued in France, by those who had acquired the supreme power, being to use art as well as force, in vanquishing the enemies opposed to her, they profited by the revolutionary doctrines which had spread every where, and particularly in these kingdoms, to make a distinction between the people and their government, and to represent the French republic, as the friend of the one and the enemy of the other. This distinction was admitted as valid by great numbers in this country, at a time when the revolutionary government, flushed by success over two great powers of the continent, thought it might destroy the rest, and even threaten Britain itself. They pretended that they would take vengeance on the British government, which they accused of having endeavoured to stop the progress of their success, in attempting to regulate the

government of France on principles more conformable to the natural law of nations.

The war with France was undertaken by Great Britain without meeting with any censure from any party; because all from various motives, considered it as the means of fulfilling their own views. It occurred to no one that in the event of the French being victorious, the prosperity and even the security of this empire might be endangered. The revolutionary government of France followed up the principle above alluded to, in accusing the British government of having been the cause of the war, which, they pretended, they were now forced to maintain. This was done with a view of affording to the faction, in opposition to the government here, a plausible pretext and very embarrassing on two points; first, on the question of its cause; secondly, on that of persevering in it, alleging that either it might have been avoided, or that it might be put an end to, by means of an administration in England, suited by its virtue and candor, to dissipate the apprehensions which France might entertain, on the use which Great Britain might make of power, which the course of events had put into her hands.

Mr. Pitt, in undertaking the war against France, had to contend with the opinions of a great number, who were favorably disposed to the cause of the French revolution. These feared, that Great Britain might assume the character of an enemy to the cause of liberty, without having duly considered the nature of the revolution; they were vague in their conjectures on its effect on the various states of Europe; so much had passion inflamed their minds. The war, on the part of Great Britain, was just and necessary; since her security was threatened, and she could not but repel an enemy who directed all his efforts against her. In order that the ministry, who had undertaken the war, might carry it on with vigor, it was necessary to have the support of that power from whence the means of making war must proceed, the parliament. The opposition was now become strong enough, to make it desirable to Mr. Pitt to weaken it, by bringing over such members to his way of thinking as could most easily be convinced of the necessity of opposing a dyke to the torrent of revolutionary opinions, whose daily progress ought really to alarm the friends of the constitution. The danger of the reforming system had become still more threatening, as its votaries made no secret of their inclination to the doctrines of the French revolutionists, and Mr. Fox spoke openly in praise of them in parliament, avowing his admiration of the principles they breathed. This party even expressed their desire to approach them in practice, by reforming the British constitution; of course, the question on the propriety of pursuing the war against France, without any regard to the revolutionary form of its government, brought on the conflict of the two following opinions: the preference to a revolutionary system under

* Some insist that it was opposed by the antagonists of ministers; if so, it does not alter the consequences to be drawn in general.

pretence of reform, and that of preserving the constitution, as connected with the prosperity and safety of the state, founded on the maintenance of the constitution as it actually stood.

The partiality with which great numbers in England had considered the French revolution, had acted on their minds according to the analogy which they thought they discovered between its effects; and their own private views. The leaders of the British government had only seen, in that event, an opportunity of weakening the power of France, by the diminution of its territory, and by seizing on its foreign possessions. They thought proper, for this reason, to lay aside every consideration about the change which France had undergone, in order that, by imputing to her the fault of the war, to force her to make proper atonement by a proportionate indemnification. The British government, or, more properly speaking, Mr. Pitt, either misunderstood the character of the French revolution, and its influence on the minds of men, or perhaps he flattered himself that the same force, which should reduce France to bend to the yoke of a conqueror, would again restore her ancient government; and then, such an event would reduce all factions in that to give up the point and submit.

The danger resulting from the existence of a government in France, founded on revolutionary doctrines, was so little felt or understood by the majority of the nation, that it was not without the greatest difficulty that the light thrown on the subject by Mr. Burke could make its due impression.

In consequence of the view taken by Mr. Burke, a great part of the opposition joined ministers. They who remained were of course much diminished in strength, but so much the more irritated against the ministerial party. As these new allies of ministry were for the immediate restoration of the throne of France, if possible, and had thus gained too great an influence in the party which they had lately joined, Mr. Pitt determined to dissuade them from that part of the plan. He only considered it in fact as a secondary measure, and imagined that if he declared himself in favor of it, he should counteract the project he had concerted with Austria; which was not to occupy themselves with the re-establishment of the legitimate monarchy, until each party had been enriched by the spoils of France. Among the chimerical notions he had adopted, one was a perpetual alliance between Austria and Great Britain.

The plan adopted by Mr. Pitt for the accomplishment of his double project, of weakening the power of France, by dividing her spoils with Austria, and finally to restore the legitimate sovereign, in order to stifle the revolutionary doctrine which threatened this country, comprehended in itself such heterogeneous views, that it was impossible for it to succeed, but by a concurrence of such events, that chance itself could hardly produce. Thus, while Great Britain made useful conquests on the foreign possessions of France; the latter made others more advantageous to itself, and much more dangerous to the general safety of Europe, and consequently to that

of Great Britain; besides, these acquisitions were contiguous to her frontier, and the French territory increasing daily through the folly and weakness even of our allies, we were abandoned by them, under pretence, that we were solely actuated by selfish views.

The French government managed very adroitly to take advantage of various circumstances to establish the opinion of our selfishness, and succeeded in separating us entirely from our allies: many of them engaged to act against us.

The result of these various schemes of Mr. Pitt for the accomplishment of the spoliatory part of the plan he had hoped to realise, was, that it totally failed. The opportunity of restoring the monarchy having escaped, Great Britain was obliged to sustain the weight of the war alone, in expectation of some event, which would furnish her with the means of keeping the greater part of her conquests. About that time, a probability appeared that France would adopt such political principles, as would be compatible with the habits of the rest of Europe. This favored the arguments of opposition in behalf of peace, which, joined to the expence incurred by the nation during the war, induced a great majority to call for peace, with inconsiderate ardor, with a state which, according to the vulgar opinion, had at last assumed a form capable of agreeing with other governments.

Mr. Pitt, convinced of the impossibility of over-ruling the general opinion, pretended, himself, to fall in with it; determined at the same time, not to become instrumental to an arrangement, of which he could not help seeing the inconveniences; he determined to leave this arduous task to another ministry. It was, moreover, his object on his own account, that the new ministry should not be composed of men drawn from a party, not only declared against his government, but also personal enemies.

Mr. Pitt had, in order to gain over a part of the opposition, engaged himself with some of the principal members of it, to second their efforts for the Catholic Emancipation in Ireland; although he was not ignorant of the aversion of His Majesty for that measure. It was of the greatest consequence to him to make use of the powerful party of the Catholics in Ireland, as he had it much at heart to effect an union between both kingdoms. Better skilled in domestic than in foreign affairs, he wisely saw, that it would insure unity of action to the state, and gradually efface the national distinction between the two countries. This operation, great in itself, by whatever means it was accomplished, and glorious for his memory beyond any of his other works, having been carried, Mr. Pitt found he could not retract from the fulfilment of his promise to the majority of the Irish, viz. advantages in common with the Protestants. The success of the scheme for the emancipation of the Irish Catholics depended on the adoption of prudent measures, in order that the object might be attained gradually, to conceal from His Majesty the ground he had lost by degrees: on the other hand to develop to him at once the whole extent of what he was to grant, would have inevitably insured his resistance. These circumstances, embarrassing as they were for

Mr. Pitt, were, however what suited his purpose for preserving the administration in his hands thus far, and presented him a plea as soon as it was convenient, to give up his place. By drawing on himself the King's refusal to sanction the emancipation of the Catholics of Ireland, he could with all due decorum appear to be guided by a motive congenial to a very numerous party, in giving up the administration, which appeared now no longer to be guided by the principles he had professed, and particularly on a point, which he could show to be intimately connected with the security and power of the empire. Mr. Pitt, and they of his adherents, who then declared themselves for his theory in favor of the Catholics, and who had made the most prominent figure in promoting an active war against revolutionary France, in order not to appear in contradiction with their former declarations respecting an accommodation between Great Britain and that country, affected to retire from office, merely because they had not been able to get the better of his Majesty's repugnance to the emancipation of the Catholics. By this means, they insured to themselves the good-will of that numerous party, while the English people still continued to esteem them for the approbation they had appeared to give to the attempt towards making peace with France. Thus Mr. Pitt deceived both Ireland and England as to the real motives of his conduct!¹

Mr. Pitt, actuated solely by his ambition, had signalised his administration by so many actions, which passed for brilliant, because the real tendency of many of them was yet unknown, that he had acquired a personal influence, great enough to enable him to have a certain control over the operations of the government, even without being invested with any office.

It was hence clear that the new administration was formed according to his suggestions, in order that it might keep within the bounds of his views. It was of course impossible that it should be composed of members of the opposition, as that party had openly professed such political principles, both on domestic and foreign affairs, in diametric opposition to those of Mr. Pitt, and which were even disliked by His Majesty. They agreed with Mr. Pitt in one point only, namely, the emancipation of the Catholics: but this accord was rather apparent than real, inasmuch as on the part of Mr. Pitt, this measure tended to the union of all parties in favor of the government, for the maintenance of the constitution, and the assurance of the tranquillity of the interior, as well as external security. On the other side, the opposition, who considered Mr. Fox as their chief, had no other object in view than to get hold of any means which might assist them in bringing about innovations, in all those points whence they could insure a popularity. They hoped thus to be able

¹ From this it appears evident that Mr. Pitt never considered the Catholic emancipation, with respect to the real advantages or disadvantages it might produce to the state, but simply in reference to the permanence of his own power.

to exercise an authority in some measure independent, and inherent in the nature of their party and principles, at the hazard of any commotions which might arise; they were regardless of the influence which the French government might obtain over the general system of Europe; an influence, which it has since effected to establish, owing, evidently, to the errors of Mr. Pitt.

These circumstances were favorable to the desire of His Majesty to form a ministry, which professed no party. For this very reason it was necessary, that this should be sustained by one of them until they might be enabled to create a party of their own by the assistance of those means, which are always in the power of every ministry. Mr. Pitt of course had a personal influence on the choice of those individuals, who composed this administration, whose chief was a man entirely new, and who only enjoyed an esteem proportioned to a distinction which had been acquired, by a prudent and moderate conduct in discharging the duties of an office, which did not require talents of the first order.

The ministry, of which Mr. Addington was the chief, might have been able, provided they did not go out of the track already traced for them, in the ordinary routine of affairs, to maintain itself as long as it was not thrown into confusion by some exterior impulse: but being evidently too feeble to resist such violent shocks, as then threatened the state itself. As such events might be foreseen from the posture of affairs both at home and abroad, it was evident that its duration must be very uncertain, and consequently that its termination would give room to the occupation of their places by some other party, whose credit might prevail in the eyes of the nation, as well as in those of the King.

It is but doing justice to Mr. Addington's administration, to remark, that the finances of the country were reduced to a very bad state at the time of his accession to power; the state of the army was even worse. During his short administration both were greatly benefited by the prudence, economy, and judgment which he exerted, and which Mr. Pitt's undistinguishing prodigality had nearly overturned. Another event, very unfortunate for him, was that on his accession, the propositions of peace with France had been received by the people with eagerness. The peace of Amiens was an experiment, which had not been tried, the nation would not have been satisfied of its chimerical advantages. The peace of Amiens was, in short, rather the result of the circumstances in which he found the country, than his own want of means to have made a better under other circumstances.

The bad faith, which the French government had displayed in the fulfilment of the articles of this treaty, was discovered to the world the plan of universal dominion, which Bonaparte had conceived. Though he was constrained to employ the vague term of *republic*, he had already concentrated in his own person all the attributes of monarchy, and meditated to subvert some title, which should conceal his intention of transferring all the rights of the house of Bourbon to

himself; to an usurper who had found means to deceive all parties in France, and all the governments of Europe, as to the use he would make of the power he acquired, and of those who had concurred in his elevation.

It is evident, that the success of the ambitious adventurer, who has succeeded in deceiving so many divers parties, has owed much less to his own abilities in disguising his views; than to the notion which possessed the various parties, that each separately would be able to satisfy their particular desires in seconding, or not opposing, those measures, which they thought, would only be directed against the others. This disposition thus favored the designs of a man, who could perceive no power able to contend with his own, as soon as those influences established by the concurrence of all parties, were not only dissipated, or induced to declare in his favor, in order to obtain his support in the pursuit of their own ends. In the same manner Bonaparte had partisans, not only among the sovereigns of Europe, but among those people, who, being his nearest neighbours, were in greater danger from his power. Such were the advocates, whether sincere or feigned, of his merits, his genius, and his talents; many of these were to be found among that party in this country, of whom Mr. Fox was the leader: but, whatever color these gentlemen could give to the conduct of Bonaparte subsequent to the treaty of Amiens, the interests of Great Britain were so much affected by it; that it became evident how far a state of open warfare was preferable to this peace, which was in fact no other than war disguised under the name alone of pacification.

All the attempts of the ministry, who had produced this illusory peace, to realise the express conditions of it, proving fruitless, the necessity of recurring to active war became evident. The means consisted essentially in the supposed developement of the talents of Mr. Pitt, without any similar expectation from any of the co-operators, who were admitted under him. These talents had already been tried, and they had been found deficient in knowledge of foreign countries, without which, the natural abilities of a minister do no more than throw a cruel sunshine on their possessor.

Mr. Pitt, now recalled to the helm, had the faculty of chusing his coadjutors; and it were natural to have expected they should be the same, who had been employed during his preceding administration. But divers causes prevented this arrangement: those individuals could not now combine with him but by an agreement in their designs, grounded on a sincere or affected acknowledgement of certain principles, at bottom no more than private interest, disguised under the appearance of consistency to them. Two of the principal personages of the foregoing administration of Mr. Pitt, Lord Grenville and Mr. Windham, had now joined Mr. Fox, and would not, without going from one inconsistency to another, again join Mr. Pitt, and reconcile the designs of pursuing the war, and that of abandoning the Catholics though deserting the King.

Mr. Pitt here sacrificed the vain-glory of constancy to his opinion, to a sentiment proper in certain circumstances and improper in others, in the same manner, as he had already done with the question of parliamentary reform.

Lord Grenville and Mr. Windham found, in their adherence to the Catholic question, either a real motive, or a plausible pretext, to refuse any share in the new ministry: by this means, they were under the necessity of supporting Mr. Fox's party. Mr. Pitt, well satisfied with himself, and confiding in his own strength, contented himself with colleagues of very moderate talents,¹ and, in some measure undertook alone, to direct the great operations of the government. His party can only be reckoned strong from their numbers, not their abilities.

Such was the state of affairs when Mr. Pitt died, at a moment when he was modifying his original plan, of restoring the ancient government of France, and from which he had so imprudently deviated.

Mr. Pitt had no new plan to offer, analogous to the new view he had taken respecting the relations of this country with the continent. The clumsy policy of subsidising, with all its concomitant absurdities, now occurred to him: this having again failed him, he left the world without fixing either the nature or the extent of the operations most advisable to be adopted for re-establishing the equilibrium of Europe.

This uncertainty, as to the system to be pursued, did not fail of becoming the theme of various disputes among those, who aspired to the government. The party in office were obliged to support the war, without possessing abilities to carry it on effectually, either by the means, which the country itself possessed, or by any plan of conduct towards those powers, which either actually were, or might in future become, allies; thus, as they could not declare themselves in favor of a peace, which they had so lately pronounced to be impracticable, and convinced of their own incapacity to conduct the war, these apparent disciples of Mr. Pitt, who had really been no more than his instruments, resolved of their own accord, to leave

¹ He had kept up a connexion with a very able coadjutor in Mr. Dundas, afterwards Lord Melville, distinguished for his vigor and abilities in business; but his adversaries succeeded in depriving him of that succor by taking advantage of some irregularities in the management of certain funds confided to Lord Melville, as first Lord of the Admiralty (for such it ought to be considered rather than a malversation) although by the letter of the law he was subject to be severely punished, it being a connivance in an usage which generally prevailed, and of which his adversaries may not improbably have taken advantage, in the same manner while in place, as it still in some measure exists, it consists in the employment of public deposits to private profit. In order not to risk the event of a public condemnation of Lord Melville, Mr. Pitt was the first to induce him to throw up his employment. The accusation produced no more than what the accusers wished, that was, to render Lord Melville incapable of employment, in traducing him in the public opinion, although he was not judicially condemned, and the proof of this is, that the abuse was left as it was before.

their places, with the task either of conducting the war, or of making such a peace as could be justified to the public, to their successors.

The King was now at a loss to decide on any party. That of Mr. Pitt having by his death been dispersed, and Lord Sidmouth's not having, for want of aristocratical connections, strength sufficient to stand alone; and having unfortunately had the task of making the experiment of an illusive peace to satisfy the public mind, for which they were afterwards unjustly blamed.

It was necessary, on this occasion, as it had been the practice formerly, to give the reins of government to the chiefs of a new party, made up of the antagonists of the other two, the members of which had coalesced, under the specious pretext of uniting all the talents, without any regard to opinions formerly entertained; and thus to compose an administration, capable of insuring to the state those advantages, which the crisis of affairs loudly demanded, and which had been produced by the faults committed by every administration, which had appeared since the French revolution.

Notwithstanding the coalition of this party had been capable of shaking and overturning the preceding ministry, it was not so well knitted together as to produce one uniform spirit pervading the whole; and, as the object was, by the power they had acquired, to compose a ministry of individuals chosen from among the principal members of their coalition, who enjoyed the greatest personal credit, or whose talents were most esteemed; hence, in order to avoid a collision, among themselves, which would have been prejudicial to all, they took care to agree how far each was to give up his own pretensions to the first place, and his particular adherence to his several favorite opinions. All this was determined by a compact among themselves, as their mutual interests depended on their permanency in power.

It was undetermined who should be considered as the head of this new faction, Lord Grenville or Mr. Fox: the former occupied that station, which has been vulgarly esteemed the principal, but the exercise of his power was confined to the functions of his own department of the finances. Much scope was also to be left for Lord Henry Petty, on whom fell the Chancellorship of the Exchequer. Mr. Fox, who would have been entirely incompetent to either of those places, was made again Secretary of Foreign Affairs, which was, without doubt, the most important office in the actual circumstances: by this means, he became in fact the main-spring of the government. He added to these advantages, that of a greater personal credit with the multitude than any of his colleagues. Lord Howick, connected more intimately with Mr. Fox, was first Lord of the Admiralty. Mr. Windham, Secretary of the War Department: but the preponderance of Mr. Fox was also determined by the number of his adherents in Parliament.

It was a sufficient motive with the party, that its permanency depended on its success, in procuring a peace, to induce them to make it the primary object of their solicitude. But it was desirable to some of its members, to acquire a credit, by the realisation of some

plan, of which they had been the reputed projectors, or at least the principal directors. Lord Grenville was noted for the Catholic question; Lord Howick contented himself with being his second in that enterprise. Lord Henry Petty aspired at eclipsing the fame of Mr. Pitt, as an able financier; Mr. Windham affected to bring the military system to perfection. By these means, this ministry pretended to justify the claim they had laid, or rather some of their partisans for them, to the monopoly of all the talents in the nation. The abilities of Mr. Fox were now to be tried for a third time, by his negotiations for peace; an object, which Mr. Pitt was fully persuaded to be unattainable, and of which Lord Sidmouth had so lately furnished a sufficient proof. All Mr. Fox's solicitude was directed to the means of effecting that great work. This disposition of his being known, Bonaparte, who found his account in playing with him, saved him the trouble of opening the discussion. Mr. Fox took the bait, and the negotiations of Lords Lauderdale and Yarmouth have proved how ignorant Mr. Fox must have been of the affairs of the continent, when, in the whole negotiation, not one event turned out as he expected, and the war still continues.

The death of Mr. Fox, which happened during these negotiations, changed the face of affairs; the expeditions to Egypt, the Dardanelles, and Buenos Ayres, discovered the poverty of means in this party. The Catholic question, which shortly after, was brought forward, overturned a ministry, who had pledged themselves to a measure not yet ripe for execution, and for which His Majesty had evinced the greatest aversion. On this the King commanded the Duke of Portland to form a ministry out of the remnant of Mr. Pitt's followers. The Duke became first Lord of the Treasury; Mr. Perceval, Chancellor of the Exchequer; Mr. Canning, Secretary for Foreign Affairs; and Lord Mulgrave, first Lord of the Admiralty. This ministry was little disturbed by the Duke of Portland's death, whose age and infirmities rendered him incapable of any active interference in public affairs; they displayed a much greater degree of energy than their predecessors. The attack on Copenhagen was well concerted, and attended with success. A jealousy was excited by this achievement in the minds of the opposite party, who had a little before yielded to them. It was, by these, of course, represented in parliament as a piratical act, performed in violation of the rights of nations. They treated Denmark, which was *virtually* a province of France, as an independent and neutral state, and they succeeded to raise such a violent clamor against it among the multitude, that the ministers, rather than adhere to a measure, which would have prevented a great expence of blood and treasure, and have placed them on a firmer footing than ever, were obliged to give up the point. Thus the opposition can always find means to blame every measure proper and improper, and to counteract even those which have been successful.

The place was consequently abandoned: the offer of the crown of Norway, tendered by that nation to Great Britain, was refused, and

allies, the Swedes, were abandoned to the convulsions, which subsequently took place; Russia was obliged to yield to the current; and the mass of power, which the British had acquired, was thus thrown away. In consequence, the French were enabled, in the following year, to invade Spain, being relieved on their northern frontier by British generosity. Austria was the victim of this mismanagement; but as the consequences of the false step taken in the evacuation of Copenhagen were not foreseen, it excited no indignation in the public mind, the connection of them with their causes being too remote for the vulgar.

If these consequences were seen by the opposition, no notice was taken by them on the subject; else it must have operated against themselves. Their triumph therefore consisted in the consciousness of having, by the clamor they had raised, succeeded in driving the ministers out of a line of operations, which would have ultimately redounded to their honor: a second advantage was, that, by facilitating the affair of Spain, and thus forcing the state into a fresh train of difficulties, new occasions might thence arise to overturn their antagonists.

The failure of the expedition to Walcheren resulted from the principal command being given to a man quite incapable of the charge, but forced on ministers by an influence of which it is not necessary to give any account; the dependence of ministers on such as can support them at home being a vice in the state, which often obliges them to employ unfit persons.

A serious dispute, between two members of the cabinet shortly after, caused another change in the ministry. The Marquis Wellesley, at the moment when the above dispute took place, which ended in Lord Castlereagh's and Mr. Canning's abdication of their places, was returning from Spain. The Talents, having become odious to the King on account of their adherence to the Catholic question, and the advantages, which they proposed to gain by its success, failing, were excluded. Lord Sidmouth's party was too weak and too scanty of means, possessing so little influence with all ranks of men, that it could never be called forward except to bolster up a tottering party; so that the only object was to find some one to fill the vacant office of Foreign Affairs.

That post was offered to the Marquis Wellesley. The brilliant talents he had displayed formerly in India, had he figured on an European theatre, would have placed him on a footing with the Marlboroughs and Richelieus. He had, as we have just observed, been in Spain; he had seized, in the clearest point of view, the state of that country, and the defects of the system there established. It is to his papers alone that the public is indebted for those clear and distinct notions we have on that subject; and they prove him to be a statesman surpassing by far those, whose proceedings have been grossly described. What he has said on the subject of the peninsula is before the public; what he has not said, who are read in these subjects may supply; but this is not a place for them. Events

however will show the truth of his reasonings. When Lord Wellesley accepted of the Foreign department, it might reasonably excite surprise, because it might easily be foreseen, that his energy would be cramped by the character of his colleagues; and the only wonder is that he remained with them so long as he did!

The death of Mr. Perceval produced similar struggles, with those we have described on former occasions. The difficulties experienced in forming a government will be touched in the following chapter, where we shall endeavour to show it to be the result of a vice rather in the nature of British polity, than the fault of individuals; and it will be difficult, in such a state of things, to conceive how any ministry can ever effectually serve the state, while so many counter-acting causes are in full activity, tending to paralyse its energy.

CHAPTER II.

A Detail has been given, in the foregoing chapter, of the various contentions which have taken place in parliament, from the time of Lord Chatham, to the present; and an attempt made to estimate the motives, which actuated the different parties at the time. To those who know the springs, which operate on the human heart, this picture will rather be considered a faithful copy, than the produce of a splendid imagination.

From the whole detail of these proceedings, let us endeavour to sum up the substance in a few words. Two parties divide the great council of the nation between them; each of these strive, by every means, to prevail over the other; whatever the party, who holds the administration, do for the public good, is by their rivals placed in the most disadvantageous point of view; the more erroneous their conduct is, the more pleasing to the opposite side; because it gives to the latter an opportunity of exposing their mistakes, and of course excites the hope of supplanting them. The better ministers conduct the public affairs, the worse it is for the patriots out of place; and as their vexation increases, so does also the violence of their declamations; but not being able, on the ground on which the measures were taken, to prove their absurdity or folly, recourse is had to new principles, no matter how fallacious; how dangerous; the discussions on the abstract rights of man, alluded to above, during the American war, are examples of this sort of reasoning. Papers and estimates are then called for, and by that kind of indiscretion, facts are often revealed to the enemy, to the notorious prejudice of the state. The

Americans, as we have seen, found advocates in parliament to defend the right of resistance to the metropolis, and the French revolutionary government was held up to public view, in the same manner, as being justly irritated against England, for the most unprovoked aggression on our part.

They who feel an enthusiastic veneration for the general assembly of the states of this kingdom, from habit and education, will perhaps be offended with this mode of viewing the subject. We should be ready, at any time, to confess the satisfaction it would afford us, could any one show our error in the statement here made. What satisfaction would it afford to every candid mind, to be shown, that the leading facts above alluded to, owed their origin to the purest motives of the noblest ambition ! Until, however, that can be clearly established, we cannot but lament the imperfection of mankind in thus abusing the noblest institutions, to which man has ever been subject. Much as we sympathise with the Marquis Wellesley, in the ambition by which he is actuated to immortalise his memory, by his essential services to the state : it is difficult to conceive, how, in the present structure of the British system, he will ever be able, should he even attain to the government, to achieve any measure but by halves. If he cannot do more, it must be lamented, that the state of the country is such, as to render it incapable of profiting by the talents of a man, actuated by the truest ambition, by the purest love of glory, united to a consummate knowledge of human affairs.

These reflections naturally arise from the review just made of the changes, which have happened in the period we have examined. If the facts be admitted, as faithfully stated, the following corollaries may be fairly drawn on the nature and defects of the British government.

1. The succession of factions to one another, in the exercise of the supreme power, being the ground-work of the whole system, it follows, that such a government can have no unity of plan for any length of time ; so that they, in actual possession of power, may not feel themselves strong enough to take any decided steps, as there is always a party to oppose them, and every reverse, with which the former meet, becomes a step to the advancement of the latter. In this contest, the general good is of no importance. It follows, of course, that the government, from the variety of factions which agitate it, must ever be in contradiction with itself : an individual, who, in his private concerns, were so inconsistent, would be considered as a lunatic.

2. The spirit of faction which prevails, being the source of the diversity of principles, which actuate these factions, they cannot attain to power, but by crossing one another, and thus rendering every enterprise for the public good, and also for this reason, that those in power have no time to lay the foundation of any regular system of public measures. As Rome, when factions were at their height, and decision was required, no dictator was chosen. The Romans felt and provided against the impotence of their government. In Britain,

no such provision is made, and when unity of will is most wanted, it is then that the factions are most violent.

3. From the same source proceeds the impossibility of employing individuals, who, by their abilities, are best qualified for any particular service. The minister must, therefore, have the mortification to see the execution of his plans intrusted to those, whom he cannot consider without inward contempt. But what can he do? were he to deviate from this track, he would, with the best and most virtuous motives, be voted by parliament out of office: thus it is, that the confidence of the government cannot be the reward either of talents, or of virtue; but the medium of parliamentary support. Moreover, the candidates for public service are thus precluded from cultivating their talents on a great and extended scale. They must confine themselves to the principles of a party, and thus meanly devote themselves, entertaining no opinion, but what is dictated by some sophist, commonly called a leading man.

4. A total negligence of all measures, by which might be obtained a competent knowledge of the affairs of the continent, as well as of such persons qualified to serve in that department. This has already been treated of at full length in the survey of foreign affairs.

5. From the aggregate of these defects, it follows, that with regard to foreign policy, the British government is purely passive. That it is always taken unawares, whenever particular circumstances oblige it, for its own security or advantage, to enter into action in order to avert the evils which may result to it from the political state of Europe. The British government is always, as we have observed, overtaken by such events, which it might anticipate, could it adopt a fixed and regular system of relations with the continent.

In this state of things, and having to contend with a power, which does not confine itself to a simple rivalry with Great Britain, which has been for a long time directed by a vicious system of external relations, she will not be able, in the long run, either to oblige France to make peace, by moderating her pretensions, or to conduct the war in such a manner, as, by the advantages she may reap from it, to compensate the evils attending. In that case it follows, that if we are not conquered by our enemy, we may be so exhausted by exertions, producing no real advantages, as to yield to him, while we are crowned by the laurels of victory.

The constant counteractions, which the British government has to contend with, cramp the energy of war. It naturally renders its numbers timid and irresolute: it obliges them often to change the nature of their measures, the intended effect often being defeated by these means. It results from this, that neither what the government

It must be observed, that the objects of foreign policy are two-fold; the one to preserve, the other to establish, the balance above mentioned; the other to compensate the evils resulting from its overthrow, by portions of territory, and already often and accepted. These are the only two ways of resisting ambitious rival. The contest of factions has produced a double evil; for the former has been completely blundered, the latter neglected.

him at doing, nor what the counteraction of their opponents seeks to produce, is ever entirely accomplished ; but from the conflict of these opposite principles, there results an unforeseen *tertium quid*, which neither party dreamed of. Sometimes, by chance, the result may prove beneficial, sometimes detrimental ; but as it is what neither of them intended or imagined, the merit belongs to nobody ; and yet the writers on both sides impudently attribute it to that of their respective leaders.

The British government being distinguished, as it is, by these peculiarities, what person is there, not accustomed to such inconsistencies from his cradle, who can be insensible to its defects, and not confess, that its operations must for the most part be precarious and confused ; its faith with foreign nations always to be doubted, and the steps which will next be taken, impossible to be guessed, even by those who have the direction of them.

Can it ever be asserted, that a government so constituted, possesses either wisdom, foresight, or reflexion, in its unconnected and desultory operations ?

As we have above shown, that the good, which accidentally accrues from these incongruous causes, cannot be attributed to the merit of either faction, so it is laughable to find, after so many interferences, that when a positive evil results, each party is endeavouring to criminate their rivals, and exculpate themselves. All this time, the fault is nobody's ; the public is then amused for a month by explanations, disputes, accusations, proofs, and counter-proofs, &c. At last, some new object of contention arises, and the whole is forgotten ; all parties having puzzled both themselves and the public, each man remaining just as little convinced and enlightened, as he was before. But what is more surprising than all is, that the next dispute, which does not fail shortly to occur, is nothing more than a similar bootless contention, and is not at all influenced by the foregoing ; and every wise-acre politician, from Lloyd's coffee-house to the gin-shop, is just as ready to heat his brain and agitate himself on the question as ever, without ever imagining the real cause and motive ; never suspecting, that they arise, not out of the events themselves, but from the very structure of the system, from which they are inseparable.

The jealousy of the contending factions at Carthage, by dint of their exertions, first prevented reinforcements from being sent to Hannibal, and at last procured his recal. This step was the ruin of Carthage. Hanno and his party, by that means, got themselves into office, and their purpose was answered. Lord Grenville either sees, that the war in Spain has gained advantages to his country, by the check it has given to the French power, and by the relative weight it has procured ; and that whatever may have been the expense, it can never be compensated by abandoning the very object for which that war was undertaken, to restore to the enemy that uninterrupted influence he had acquired on the continent. Lord Grenville must either see this, or perhaps, it may have escaped him ; if he does, what motive can be attributed to the doctrine he holds ? Can it be dictated

by any other motive, than the mere mercenary advantage to accrue to himself, and his adherents? If he does not see this truth, what judgment can be formed of him as a statesman?

The genius of every people, depends on the construction of its government; when it is founded on factious principles, powerful men will always be found to collect a party about them, ready to oppose every measure of their antagonists, right or wrong. The same causes produce the same effects, and men in similar cases will generally act in the same manner. The faction of Hanno could never obtain power as long as Hannibal was in Italy; but as long as he was there, Carthage was not only safe, but prosperous. The Tarentines in the same predicament have shown they would act the same part. Much declamation has been employed by writers in all ages, against the corruption of manners, and its ruinous consequences; but its true definition seems to have escaped them. A nation may be considered as corrupt, when its government is so constituted, that the avenues to advancement and honor lie only through those paths, which are in direct opposition to the interests of the country. A nation may be deemed politically virtuous, when the private interests of individuals approach nearest to the public utility; no matter what be their customs or manners, it is then only, that the government and people are true to each other, and in this alone can be said to consist public virtue.

Constitute a government, the practice of which is the very reverse; tell us, that the factions which reign in it are the very life and soul of your polity, the consequence must be, that no one set of men will be found, who can either act themselves, or permit anybody else to do it. Thus practically the British government has this fundamental principle for its main spring, viz. a premium on contradiction, operating to counteract itself in all public measures. It is by observing the effect of this reaction in parliament for the last five years, that it must be confessed, that Captain Pasley's *Essay on Military Policy*, and Leckie's work on *Foreign Affairs*, must appear the two most useless books ever published. What can be more absurd, than to address a regular digested plan of policy, no matter whether good or bad, to a government, whose component members can never be brought to agree for half an hour together, on any one point whatever; and whose motives of action are biased by such inconsistencies?

If such be the true state of affairs, that each man's advancement in the political world must be at variance with the ostensible purpose for which they present themselves, namely, the advantage and security of the empire, what other result can we expect, but what has been described?

History tells us, that in Egypt the priests of Isis, when they met, ever used to wink and smile at each other. The members of the different factions, which render the energy of the state so nugatory, must feel the same inclination, although, perhaps, they may have acquired a greater command of their muscles; while those among them, who, in spite of the circumstances in which they stand, are still

attached to the public good; must, no doubt, feel a very opposite internal movement.

A noble Earl has lately used a phrase somewhat new; he has mentioned the *practice of the constitution*—does he mean by this, that the practice is at variance with the constitution itself? or that the theoretical principles laid down by our greatest writers, are chimeras which never had an existence? If the practice be the constitution itself, and that it has a tendency to defeat its own ends, he cannot defend it on that principle, because the absurdity must stare him in the face. If he mean, that the practice be a violation of the theory, on what ground does he bring it forward in support of his arguments? Such contradictions as these must always occur in every society of men, who, from various motives, are divided into parties. Each of these, while it admits that the object of the meeting is the public good; but at the same time feels, that it is at least but a secondary motive, is so obliged to construct his reasonings, that the private end may be obtained, without shocking the ostensible principle. Men, in such an awkward predicament, can scarcely ever argue fairly; they can be guided by no fixed principle, and they must often be obliged to contradict themselves.

CHAPTER III.

The revolution in 1688 is agreed to have changed the nature of the royal power; the regular meeting of parliament was insured, and the ascendancy of the House of Commons in public affairs established.

When the House of Hanover ascended the throne, the disturbances and troubles, which had awaited the House of Stuart, were still fresh in the memory of the nation; the policy they pursued was prompted by a dread of the repetition of evils, which had been so fatal to their predecessors. The Kings, therefore, passively suffered succeeding factions to govern in their turns, without adopting, themselves, any decided system of policy. If ever they interfered, it was to prevent some insulated circumstance from taking place; that done, the reins of government were again abandoned to the ministers; of course, the supporters of the royal prerogative were silenced and overpowered by the torrent of opinion, while they were deserted by the crown.

The Whigs, in fact, became the predominant leaders of public opinion, and their conduct has uniformly tended to diminish the power of the crown, while every such diminution has extended the influence of the commons.

The whigs were originally pure republicans, who considered kingly power as an insult on mankind ; ever holding up the Sovereign as the public enemy of the State. This is nearly the general tenor of whig opinions,

On this party a set of men have engrafted themselves, not with any view of participating in their republican schemes, but in order to make them the dupes of their ambition. By adopting the same appellation, they have caused themselves to be confounded with the mass, wisely seeing that men are always decided by names. Thus having gained their confidence, they have become their leaders ; and as every portion of power taken from the crown reverts to the people, they have become its depositaries.

The Nobles, who have headed this party, having acquired, by their landed property and influence in the provinces, the virtual nomination of a large portion of seats in parliament, the more powerful they can make that parliament at the expense of the crown, the better chance they have of governing.

During the period that George III. actually reigned, his constant endeavour was, to struggle against this increasing influence, and to this cause may be attributed the creation of so many new peers. Had this not been done, or had Mr. Fox's attempt succeeded, to introduce into the house of commons the exclusive patronage of India, the regal power would, ere now, have been on a par with that of the Doge of Venice.

The aim of the present leaders of the Whigs may be now clearly seen. The difficulties experienced, since Mr. Perceval's death, to form a ministry, were occasioned by the determined attempt to force themselves on the Regent, and exercise power without controul. The squabble about places is all that was evinced, by these candidates for the public confidence, or in other words, to find beds for every body ; this seems to have been the full extent of their ambition. The only exploit to which they seem to have looked with complacency, seems to have been the triumph they promised themselves, in obtruding into, and maintaining themselves in power, against the consent of both the King and the nation ; thus to make the euthanasia of the British government to be an oligarchy, certainly, not the most advantageous for the bulk of mankind.

There are two motives which give them an aversion to the Spanish war. The first is, that being a measure adopted by another party, it behoves them, according to the principle of party, to be of a different opinion. The second, that being aware that the public opinion had of late become favorable to parliamentary reform, and fearing this should gain ground, and the multitude be induced to promote it, and which they will be the more inclined to do when they have sometime felt the weight of oligarchical despotism, with all its jobbing concomitants, to have within the realm, the bulk of the army, which would, as they suppose, enable them to overawe the discontented, and, under pretence of defending the constitution, to support in their persons the violators of it.

Chimerical as this scheme would prove to the operators; it is not, however, improbable, that men who have shown themselves to be but sorry speculators on public events, should have it in view; and thus flatter themselves, they shall be able to make one part of the nation become instrumental to the subjugation of the other. The acquisition of power, and the maintaining it when acquired, have been shown in the foregoing pages, to have ever been the objects to which the attention of British statesmen has been exclusively devoted. Indeed it is not so much the result of depravity in individuals, as the defective construction of our polity; for in the predicament in which they are placed, such is the precariousness of the tenure by which they hold, and such are the cavils by which they are liable to be attacked, that it is difficult to conceive it possible for them to carry their views any farther. The attempt, therefore, of any party to perpetuate themselves in office, is a natural consequence arising from the system established at the revolution.

CHAPTER IV.

THE advocates for parliamentary reform are of two sorts. The greater number consists of those who look to no more in it, than the prospect of gratifying their ambition by having the doors of that house opened to them: this point gained, they flatter themselves to rise into consideration and authority, by the violence and excesses into which their declamations might lead them. The views of these are not confined to the functions of tribunes of the people, but to the more extended enterprise of invading the whole power of the state, at the expense both of the crown and the nobility. Such are the most active in the pursuit of reform, and under the plausibility of their arguments, they harbour the most dangerous designs. Lord Clarendon's account of the conduct of the parliament who overturned the throne of Charles I. may convince the reader, who admits that what has been, may again happen.

If the question of parliamentary reform is allowed to gain ground, according to this view of the subject, the consequences will be felt in due time; like the abolition of the Slave Trade, it will gain proselytes by degrees, till the cry in its favor will become so strong as to overturn all opposition. The crown will then too late perceive the error

* This is not meant as an attack on that great measure, only to show that it was carried by degrees.

committed, in not giving a proper direction to a torrent, it was impossible to stop: the resistance its advocates will have met with, will excite in them such a jealousy, that it may hereafter be difficult to gain over any considerable portion of them to support the crown, and the old perverse republican aphorism will again become the language of the day.

Another class of reformers ground their opinions on very different principles; they consider the great influence which the Aristocracy have obtained in the nomination of the members of the lower house, as an evil equally destructive to the interests of the crown, as to that of the people. As this is by far the most rational view of the subject, it is of course entertained by a very small proportion.

According to the abstract theory of the British government, it is established as a principle, that the three orders of the state form their determinations on the best digested opinions of the real interests of the country; of course, that the indirect influence of the crown must be an abuse, which ought to be removed, in order to render the system perfect.

If they, who entertain these notions, were asked by what means they would obviate the defect, in what manner would they proceed? If they would leave to the commons, all the power they at present hold, with their eligibility to exercise the administration, it follows, that if they take from the crown what remains of influence in their nomination, this would immediately set them above it. What motive could they have to pay any deference to a prince, from whom they had nothing to hope, and therefore nothing to fear?

A parliament, whose members must have a share in the executive part of the government, and over which the crown can exercise no influence, has been experienced in this country, and it was precisely that parliament, which levied war against Charles I. and put him to death.

Lord Clarendon, in his *History of the Rebellion*, laments this very want of indirect influence in the crown, which modern politicians cry up as the meridian of perfection. As the passage is very remarkable, it is here quoted at full length:

And sure the raging fanatic distemper of the house of commons (to which all other distempers are to be imputed), must properly be attributed to the want of good ministers of the crown in that assembly, as being unawed by any guilt of their own, could have watched other means, and informed, encouraged, and influenced those, who stood well inclined to the public peace.

To which purpose, if that stratagem (though none of the best) of winning men by places, had been practised, as soon as the resolution was taken at York, to call a parliament, (in which it was apparent, dangerous attempts would be made: and that the court could not resist these attempts) and if Mr. Pym, Mr. Hambden, and Mr. Hollis, had been then preferred—it is very possible that they might have

been made instruments to have done good service ; or at least been restrained from endeavouring to subvert the royal building, for supporting whereof they had been placed as pillars."

Lord Clarendon calls this system *none of the best* : he, however, has no where told us, what he would have substituted in the room of it, while in the practice of parliament, since the revolution, it, has been a most essential ingredient : we ought not therefore precipitately to exclude this usage, unless we had something better to propose.

Whatever plans may be put under experiment to purify the house of commons, and fill it exclusively with men of disinterested virtue, as well as consummate wisdom, the experience of all ages has shown it impossible to shut out the ambitious, the interested, and the selfish. What is still more lamentable, in all deliberative assemblies, it will be found that these are always the most active, and the most vehement, and that they in the end prevail over the virtuous, and the moderate. If these assemblies then, with the prospects open to them, have nothing held out to keep them in due bounds, as they ever have, so they will be inclined to encroach on the other orders, until they have acquired the whole power of the state.

It results from these reflexions, that with all the advantages of the present form of government, a certain portion of corruption is necessary to keep it together, and be, as it were, the cement to the building, that without it there would be no consistency, and the whole would threaten to crumble to pieces.

These inconveniences arising from the British system of polity, have been so far felt, that a great body of the nation have entertained an opinion, that to remedy the evil, it was only necessary to reform the mode of representation, and of elections. Were they, however, gratified with the trial, leaving to parliament the same functions as before ; it must appear evident from what has been already shown, that though they might succeed in bringing forward an entirely new set of men, these would inevitably run the same career. This opinion therefore originates in a superficial view of the subject. Elect a body of men as you please, provided you present to them the same prospects, as well as the same manner of arriving at them, it is evident no virtue will ever prevent them from rushing forward to attain them. This would appear in a clear point of view, if we were to ask ourselves what we understand to be the intention of a national representation.

Dubious lest the crown should be tempted to encroach on the national privileges, we send our representatives to parliament, armed with such powers, as to enable them to resist these enterprises. These deputies then ought to confine their views to that object alone. The moment you tempt them with the hope of a participation in that very power which it is their duty to watch over, and resist, if necessary, you seduce them from the allegiance of those to whom they owe their services ; and it never can be expected, that they can discharge opposite duties with absolute impartiality. If the majority of this assembly is thus enlisted into the service of that very power, against

which they are expressly appointed, to defend their fellow citizens, and that the minority, tempted by the prospect of the gratification of the very same ambition, dedicate their utmost endeavours to overthrow their rivals, one may well ask which of the two parties do their duty?

If we then omit this reflection, and call for parliamentary reform without seeking to alter the circumstances of their situation, it is evident we are not aware of the cause of the mischief.

Would we form a parliament calculated as much as possible, to convene an assembly of the wisest, the most virtuous, and the least ambitious men, devoted entirely to guard the liberties of the people, it is evident we must begin on a new principle.

First, let us consider the mode of election, and who are to be the electors.

As the body of the nobility represent themselves personally, it is evident they ought to have no share in convening the tribunes of the people.

The definition of people should be understood to signify that body of the commons, who, from their property, may be considered as having an interest in the preservation of order and the laws. To the populace, who have nothing to lose by any change, and who, by the circumstances of birth and condition, are bereft of the advantages of knowledge and education, such reflections can never be brought home. The actual influence every man ought to possess, can therefore be estimated by his property alone. If you admit the meanest of mankind to an equal vote with a gentleman, no increase of consequence is given to the poor man, but an undue influence is given to the rich nobleman or esquire, in whose dependence he most probably lives; thus by carrying the democratic principle too far, you rush into the opposite extreme.

It may be asked, what plan can be pursued to give to every man the just influence to which he is entitled on the principle we have gone upon, without opening a door to that which should be considered as undue? To establish this in absolute perfection is impossible; all we can attempt is only to approximate.

At Rome, the public functionaries were elected by the people convened by tribes; these tribes were formed by a return made of the householders of each quarter, or, as we should now call them, parishes, of the city. By this means, the suffrage was universal, and the vote of the poorest cobbler was of the same consequence with that of the patrician or nobilis plebeius. Servius Tullius changed this system; for it appeared to him unjust, that one who contributed scarcely any thing to the public revenue, should be entitled to an equal share of influence with him who contributed at the maximum: he therefore made an assessment of property; which done, he divided the nation, into what he called centuries, in the following manner: all those who possessed above a certain property, beginning at the highest estimate, he divided into eighty centuries; the next gradation of property was divided into twenty centuries; the third formed other twenty; the fourth twenty more; the fifth twenty more; the sixth, which consisted of the lowest orders of those who possessed any

property, were all comprised into one century. The majority of every century carried one vote.

It will appear from this account, that Servius Tullius was aware of the confusion of popular elections; that he was also sensible, that a system of universal and equal suffrage would only tend to make the choice fall on the most vehement and turbulent. He judged well that the principal influence ought to be given to those, whose property would insure their attachment to moderation and good order, and that their choice would be more judicious than if the principal weight were given to the mob. For this reason, we find that, as long as this institution remained in force, a series of men were elected who did honor to their electors.

A reform of parliament, on this principle, would be more likely to produce an assemblage of men distinguished for probity, virtue, and moderation; but as long as the plan of government exists as it does at present, as long as the exercise of the sovereign power is open to them, it is, as we have already observed, to be feared, that even such men would be induced to sacrifice the duty of deputies towards their constituents, to their own private interest. Let them therefore be confined to that duty simply; let them canvass such grievances as call most loudly for a remedy; and let them also have the same privilege in granting supplies for the support of government, as exists in the present day. It is true, the avenues to ambition would be turned into another channel; but that career would the less interfere with the interests of the public, because two opposite motives would not actuate your members; government must employ as many agents as before, and the choice would not be influenced by the considerations of which we have above treated at large.

Oliver Cromwell, democrat as he was, until he became Protector, notwithstanding his villainous cant and hypocrisy, yet felt the necessity, when he attained to sovereign power, and wished to throw down the ladder by which he ascended to it, of calling a parliament on a new plan. Lord Clarendon's own words are these: "In order to this meeting, though he did not observe the old course in sending writs to all the little boroughs throughout England, which used to send burgesses, (by which method some single counties send more members to the parliament than six other counties do) he thought he took a more equal way, by appointing more knights for every shire to be chosen, and fewer burgesses; whereby the number of the whole was much lessened, and yet the people were left to their own election. It was not thought by him an ill temperament, and was then looked upon as an alteration fit to be made in a better time."

Now, although he managed to exclude all those who had not been rebels, yet this same parliament, in spite of all, treated him as a usurper; a proof that a similar one would agree better with a legitimate prince. It is not to say any more, than that the combination

¹ See Dion. Halic. Chapters 17, 18, 19. Book 4.

² Book xiv. p. 750, Oct. Edit.

of the system of Servius Tullius and Cromwell, repeated in every district in the kingdom, when united to that which, with deference to better opinions, has been adduced, would perhaps be the least defective system of parliaments.

The reader will have the justice to observe, that this plan is recommended to his notice as a speculation; too many powerful interests exist, not to make the realisation chimerical. We ought, however, to remember, that, while we remain attached to things as they are, we have no right to complain of the inconveniences which result from them. Faction must continue to succeed faction, and the consequences will be similar. The instability of the government depends on causes produced by (to our view) a too great jealousy of the crown. The following chapter, which concludes this Essay, will contain our reflections on monarchy.

CHAPTER V.

In England, the people, accustomed to deliberative assemblies, consider all forms of government, where they do not obtain, in the same light with the most absolute despotism of eastern nations; and so strong is the prejudice on this subject, that it is very difficult to find any one who can be made to understand the difference.

In all countries where man is in a state of civil society, this union can have no other object, than what results from the principles of reason and justice; and this object is the general good. This renders men sociable; the impossibility of living without society, imposes the law. But the tendency of men to abuse the faculties which nature has implanted in them, is an inherent principle in their organization, and this constantly operates to lead them away from those internal indications, by which nature points out to them how to preserve that happiness, of which they are susceptible.

This general disposition to the abuse of every thing is more remarkable, when men act together in bodies. It is then they perpetually strive to counteract both the end, for which they have been convened, and the means most proper to obtain it.

A government being established, the direction of public affairs is intrusted to one, or to several. In the course of time, circumstances occur, by which the mass of the nation find they labor under certain disadvantages, from the exercise of this power not having been properly defined. On this principle the nation appoint deputies, to whom they confide these interests. In the discharge of this duty, their

zeal obtains the favor and the confidence of the people. Thus, they, by degrees, become participators in the exercise of the power itself, and even assume, sometimes, the whole. But if every established government have a tendency to abuses, it then becomes necessary to have another assembly to watch over these guardians; thus these assemblies may be multiplied *ad infinitum*, and new deputations formed successively, like wave succeeding wave, to break on the same shore. This is the present predicament of England: the Commons have ceased to be tribunes of the people, from the moment that they are its governors. It would then be necessary to send out another to watch over them; and when these had, by their encroachments, got to the same point, a third deputation would be necessary. Thus it appears clear, that when tribunes of the people are appointed, they should be kept strictly to their duty, and not allowed to go one inch farther. It is thus that every nation becomes the dupe and victim of its own representatives.—See Lord Clarendon, *passim*.

Despotism should be defined, not as mere power, but as the exercise of it, against the most evident justice. The power of commanding exists somewhere in all states, or else there can be no government. Whoever exercises his power against justice may be called a despot, no matter whether he sit on a throne, or preside at an altar, or sit on a judiciary tribunal.

No human government has ever existed, where despotism has not crept in, under some form or other: at Rome, it was clothed in Pontifical robes; in Algiers and Constantinople, it is military; in Sicily, it is exercised by the lawyers; and even in this country, while we are ever ready to repress it, whenever it is suspected to rise from the crown, it makes its ravages with impunity in many ways, which it would require parliamentary inquiries, to bring to light, but as these inquiries would never help to overturn the minister, they are not worthy the notice of disinterested patriots: even in some courts of justice, many hard cases occur, for which there is no remedy, and the evil is suffered in silence by individuals.

If, by absolute power, we mean a faculty in the sovereign to act according to the bias of his own caprice, without any other consideration, we shall find that, strictly, it is to be found only in the Emperor of Morocco, the Committee of Public Safety at Paris, and perhaps in Persia.

It certainly does not belong to the Sultan of Turkey, for example, Constantinople, the Mollahs, the Janisaries, and other bodies, influence, which he cannot always set aside. But this remaining power is ill placed, and worse constructed, than we can deny; but in this point precisely, that the government is oppressive and bad.

It has been already observed, that the term *absolute monarchy* is used indiscriminately by the English, for all governments where there is no mixture of the other various forms; such that the nature of the power held by Lewis XV., by the Emperor Joseph of Germany, by Muley Ishmael of Morocco, and the dukes of Tuscany, and by many classes under one head, of absolute governments. Montesquieu's

remark' may be here adduced to show the error of this mode of thinking. "The intermediate, subordinate, and dependent powers constitute the nature of monarchy; that is to say, where one alone governs according to fundamental laws. I have said, the intermediate, subordinate, and dependent powers: in effect, the prince in monarchies is the fountain of all power, political and civil. These fundamental laws necessarily presuppose intermediate channels through which power flows; for if there existed, in the state, nothing but the capricious and momentary will of one, nothing would be fixed, and no fundamental laws.

"The most natural intermediate power is that of the nobility, which enters in some measure into the very essence of monarchy, the fundamental maxim of which is, *no monarch, no nobility; no nobility, no monarch, but a despot.*"

"No body of nobility cannot exist, unless there also exists landed property. It is for this reason, there is no nobility in Asia, no hereditary property in land, no chartered towns, no capitulations between the prince and the people. Let us call only such absolute governments; for it is idle to call a prince absolute, who has a powerful hereditary aristocracy to check his power; and where corporate towns are to be found, having laws, to which they can appeal, it is absurd to call this a capricious despotism.

In France, during the old government, a civil suit against the crown was not more extraordinary than in England, and the cause was as often gained by the subject as it is here; and it appears that we perhaps owe more to those fundamental laws, on which the judicial power is constructed, for the freedom we enjoy, than to the defence, or advantages we reap from the representatives of the people. A trial in the court of King's Bench, with a jury, without disparagement to the house, is, perhaps, as sure a way of obtaining justice, as any other means which could be devised; and in a simple monarchy, a similar court of justice being established, it does not appear clear, that a prince would be so rash and foolish as to take any steps to overthrow it.

The British people are accustomed to look on every other nation but themselves as slaves; but in many, the personal freedom of individuals, under other governments on the continent, was very well secured, and in some cases even better than here: it must be allowed, however, that if the superiority be on our side, it is owing rather to the judicial constitution. The principle on which the laws are administered, and which is in itself a fundamental law, is more owing to the exertions of the tribunals than to any superior watchfulness of the House of Commons; but will any one assert that the administration of justice, or any other human institution, has a claim to absolute perfection? Sicily is a monarchy; but if it groans under despotism, that evil flows not from the sovereign, but from the aristocracy and the lawyers.

Whenever we travel, and find a country well inclosed, well cultivated, the people well clad and well lodged, we may rest assured, that justice, both as it regards personal security and property, cannot be so very ill administered, even though the manner of building and clothing be different from our own: we ought to recollect that climate, and the habits of the people, have more influence on these things than any other cause.

Most of the states, to which we allude, exist no more; and few of them but what had degenerated from their original institutions; but Tuscany, under the Grand Dukes, was a striking example that freedom may exist in simple monarchies: that its very small extent rendered it unable to defend itself is not the fault of its government, but an event to be lamented. But if the British government deviates from the spirit and intention of its institution, or if its necessarily inherent factions destroy its energy, who will insure its indefinite existence? or will any one be so blinded by prejudice, as to expect that a government, which avows one principle, and acts on another, can be considered as perfect?

It is from the conviction we feel of the inconveniences of our present system, that one may be induced to consider, what are the desiderata to be found in monarchy? if the defects are more easy to be guarded against, than those under which we at present labor, why should we dread the abuse of the one more than that of the other?

It does not seem to require any farther arguments to prove to those who have meditated on governments in general, that monarchy is distinguished from despotism, by the monarch governing according to law; the despot, according to his caprice alone. Thus, as we have already observed, it is essential to a monarchical government to have fundamental laws, and that these be immutable; for, if they did not exist, they could not direct the conduct of the prince; his will alone would be substituted for them, and the government would be despotical.

Whenever in a state, there exist constitutive laws, and these be invariable and well known, the line is drawn between freedom and slavery; and if the ministers of government violate them, the nation have an just right to appeal to the primitive compact, which is the basis of all liberties. Admitting this reasoning to be just, there has been no reason hitherto shown, why those laws which insure the personal freedom of individuals, such as the habeas corpus, the trial by jury, the form of warrants, &c. as they exist in Britain, might not become fundamental laws for a simple monarchy. These laws forming the basis on which the sovereign rests his authority, it follows that it is both his duty and his interest to comply with them.

In monarchical governments, many are the gradations, which are to be found between those which approach the nearest to despotism, and such as, by the limitation of the supreme power, resemble the British constitution. Most of the monarchies of the continent, which, within the last twenty years, have betrayed marks of external debility and interior corruption, and have consequently been overthrown, from the

indifference and discontent of the people, may be considered under the following head: few of them have had fundamental laws, so precise, authentic, and permanent, that recourse could be had to them, in all cases regarding the rights of individuals.

A monarchy well ordered does not at all preclude the establishment of the principles of its constitution, nor the rule of its political government; the supports of freedom, nor the security of property. Neither does it hinder the promulgation of laws, nor the functions of those bodies, which are the depositaries of them; the limits placed to the power of imposing these laws, and those to the faculty of remonstrance, the hereditary succession to the throne, and, in short, all that which constitutes the fundamental maxims of the government, might be preserved in a code, or national register, where these great points might be formally inserted, clearly set forth, and immutably passed.

In such a system of monarchical rule, it does not appear that the people would be slaves, nor could the sovereign find among his subjects any set of men, either powerful or depraved enough to assist him in trampling on the rights of his subjects. As long as the judicial were so constituted, as to be separate from the regal power, how could the laws be set aside? and this seems to be the only method of destroying freedom. Montesquieu says, "if in a monarchy the sovereign were himself to sit as judge, the constitution would be destroyed."

Many of the advantages of a monarchical government existed in the small state of Tuscany; the nation looked up with confidence to laws which they revered, and by which they abided with pleasure; the prince acted according to them, and they were equally binding on him as on his people.

Whatever may have been said by Whiggish travellers, who in former times visited regal France, it is well known that many of the advantages we have above described, were enjoyed by the people; and if the portion of freedom felt in that country were not as perfect as might be, it certainly did not result from a thirst of despotic power in the sovereign, but from a want of perfection in the laws, by which the freedom or happiness of the subject were secured. The parliaments of France had always influence enough in the state to represent any grievances which might have arisen, and it was never yet asserted, that the prince was so great an enemy to the welfare of the people, as to deny a remedy merely to prevent them from increasing that security or happiness. If, therefore, these parliaments made no representations of the kind, it could not be expected, that the king were to assume; that an evil existed which it was his business to remedy.

Let us now advert to the advantages, which a monarchy, such as has been described, has over our boasted British constitution; as it exists in speculation.

In the first place, though it be equally held as a maxim, that the king can do no wrong, yet he was not so shielded in that respect from public censure as in England; he was also sensible he might do right. He was allowed and admitted to have a faculty within himself of

distinguishing right from wrong, which can hardly be said to be admitted, according to the fictitious theory of the British system.

Feeling that he is not looked upon as an automaton, he was more likely to feel a pride, as well as a zeal, to act a great and a good part; and though it cannot be supposed that every prince who succeeds will be a hero, yet, if he have the seeds of virtue within him, they will be developed. If he have those of vice, they may also spring up, but the maxims and laws of the state, upheld by the interests of the various classes, will oppose a sufficient barrier to the incroachments of despotism. In England, we are so jealous lest our sovereign should be bad, that we deprive him of every incentive to be great.

In a monarchy, the ministers, intrusted with the conduct of public affairs, have full time to employ their minds in the discharge of their duty; and, though they have the public opinion to preserve, and the approbation of the sovereign to obtain, they are free from the anxiety occasioned by a party ever ready to make their projects fail to the detriment of their country, rather than that they should acquire reputation. Hence the factions, to which the British polity is so liable, have no place; the government is respected by all at home, and its agents abroad are chosen particularly on account of their talents, and not in order to secure a precarious and mercenary support from factional individuals.

Such a government alone can adopt fixed maxims of political conduct; it can foresee events, and prepare for them; it is not a government whose movements are purely passive, as we have shown the British to be, acting only from external impulse; it can operate uniformly to a particular object, having, as it were, the initiative of its own movements within itself. It is capable of that prudential secrecy, which, in war, as well as negotiation, is highly essential to success; it obtains confidence abroad, because there are no captious men, who often imprudently call for papers and documents to be made public; and by that means, while they create distrust towards the government, the safety of individuals is often cruelly sported with. What must the Spaniards think of the confidence they ought to repose in the British government, when it was daily expected, a party would come into power, who would abandon the peninsula? Will they not say, "if the British government is not perfidious, surely it is so unstable, that we can trust it no more than if it were professedly treacherous?" It has already been attempted, in the former part of this treatise, to show the inconsistency and self-counteracting principle of our polity: many will revert to the old idea, that all kings are tyrants in their hearts; it has been demonstrated that it is neither their interest, nor is it very likely to be their inclination; and there is no farther answer to make. It must, however, be stated, that the leaders of factions in popular governments have always been more prone to the abuse of power than hereditary monarchs. If it is asked, whether it would not be a badge of the most abject slavery to have taxes imposed, without the consent of the different orders of the state, it may be answered that no such con-

dition is necessary to monarchy. And if it were, no monarch could ever have ventured, from his own authority, to impose as many as we have experienced in this country since 1688; and while by this means a greater sum has been raised on this people than any other in proportion ever yet known, the factions, which have contended for power, have so perverted the expenditure of them, that the greater part may be literally considered as wasted. If Great Britain has been prosperous, rich, and powerful, during the above period, it has been certainly in spite of these defects, and not in consequence of them.

The advocates for the parliamentary system object to pure monarchy, by saying, "We are ready to grant that while you have a great and good man at your head, monarchy may perhaps be the best of governments; and we may even allow that the chance may be in favor of his merits, on the supposition of his being well instructed; but, should that happen to fail, what remedy have you to offer in that case? it is then you would regret there were no parliament to oppose him, and your prince would enslave you without your being able to oppose one single barrier to his usurpation."

Let it first be remembered, that a violation of the fundamental laws of the monarchy by the sovereign is not so easy as is generally supposed. If the public cry out against this breach of faith, by what means can he enforce it? His army must stand by him, but it is composed of the nobility, gentry, and others of his empire: such an army would scarcely ever be the dupes of a depraved and wicked prince. Should he find other means to fly in the face of the law, and that it was submitted to at the moment, still such an act would never become a precedent; it would be unconstitutional, and it would be an anomaly in the practice of the government.¹ When a great representative assembly, by a vote, oversteps a fundamental principle, it receives a kind of sanction from the fiction carried with it, that it is the act and deed of the nation. If the public opinion declare against it, though every one sees that the assembly has ceased to be the people, yet the spirit of faction will support them, and that spirit will mask itself under the title of the people. The long parliament thus deprived the people of the trial by jury in cases of treason; and they violated the articles of that very petition of right, which they had obtained from Charles.

In comparing the two foregoing propositions, admitting them each to be fraught with their peculiar inconveniences, it seems much more easy to find redress in a monarchy, than in a popular government; and for this reason—the Monarch stands alone. He sets himself against the laws, and the public opinion. As an individual, he has fewer means of resistance to the general will, than an assembly, who pretend to represent the nation, and who call themselves the people. Thus the grossest acts of tyranny were committed by the National Convention in France, against that very people, in whose name they

¹ Aristotle Polit. 1. 3. cap. 10. καὶ ἡ φυλακὴ δὲ βασιλικὴ καὶ οὐ τυραννικὴ διὰ ταύτην τὴν αἰτίαν. Οἱ γὰρ πόλεις φυλάττουσιν ὅπλους τοὺς βασιλεῖς· τοὺς δὲ τυράννους ξηκιάει.

were promulgated. This sometimes divides the nation into two parties, and the most atrocious and profligate side with them; these assume, exclusively, the name of **THE PEOPLE**; the better sort are reduced by that means to be no more than the meticks, or denizens, of Athens, without being citizens, by this preversion of terms. The acts of this party assume the semblance of law, founded on the fiction, that they still are what they were in the origin of their institution, and the very perversion of the constitution becomes the constitution itself. Evident as this fallacy may appear, it becomes seditious and treasonable to utter it, and the evil becomes permanent; the consent of the people is thus assumed to overthrow that very unity of opinion, which they may cherish against it.

In both cases above described,—that is, first—a Monarch endeavouring to render himself a despot, or a body of representatives roundly asserting, “We are the nation,” and you are all nothing but individuals;” all that can be observed is, that both the governments have degenerated from their original spirit, and that each government ought to be brought back to its own principle.

In the one case, his successor may revert to the old system; but if the reigning Prince be obstinate, his subjects have no other resource, but in open resistance to his power. In the other case, is it to be expected, that a body so constituted, as the assembly above described, will have the candor to confess, that they are not constitutionally what they announce themselves to be? They will be more obstinate than the Monarch above described; and from their connexions in the provinces, will be much more difficult to reduce to terms. Indeed, in all such examples it will be found, that they have ever succeeded entirely to subdue the people, and continue their career, until a military despot destroyed their power.

History has furnished us with no example of the reform of a corrupt and tyrannical government, but either from intestine war, or conquest from without. Thus, the objection against a simple monarchy, because there is no remedy for its abuse, holds the same, but in a greater degree, against any other form. Each is borne with as long as possible, and when the evil is at its greatest height, the nation either rises against it, or, not having the means of so doing, sinks into abject degradation and misery.

The great error of all statesmen has been, to imagine they could form a government to stand for ever. This is impossible; for whatever government be constituted, it will only remain what it was intended to be, until the principle, on which it is founded, ceases to actuate it.

From the above it appears, that a Prince, who tramples on the laws of his kingdom, is in greater danger of being reduced to retract, than such an assembly as has been described. The bulk of mankind may sometimes be too strong for the former; the latter will always find means to arm one portion of the nation against the other, and thus cause the greatest evils. Despotism is less likely to take a deep root, when introduced by a legitimate monarch, than when it is

brought forward by a combination of powerful oligarchs, who always find means to enslave their countrymen in detail.

It appears from this reasoning, that the liberty of the subject may be as well secured in a monarchy, as in any other form of government; that to attribute the evils resulting from the degradation of that government, to the government itself, is fallacious. The abuse of the best of laws produces mischief, but the law is not to be blamed on that account. If we acknowledge a trial by jury to be an excellent institution, ought we to assume, that it is bad, because it may be sometimes in the power of a bad man to pervert its beneficial purposes?

The theory of the British government, taken in the abstract, is certainly one of the most sublime conceptions of the human mind. The objections to it, made here, are not under a supposition, that the practice once was what writers have described: had that ever been the case, it were more easy to propose a method of reducing it to its original principle. If any man deny this position, let him say at what period the practice of the government coincided with the descriptions we have either from Blackstone, De Lolme, or Montesquieu, or any other writer: and if he do not choose to take any of these as the ideal model, let him tell us where it is to be found? It is to be, however, lamented, that, with all the security we enjoy under its protection, it should be subject to the glaring defects above pointed out; and if any one openly declare his doubts, that it can be divested of them by increasing, rather than diminishing, the royal authority, he may be excused, unless his adversaries are prepared to point out at what period, since 1688, it was ever free from them.*

In reasoning on the structure of governments, we are often apt to be carried away by the abstract reasoning of writers. Montesquieu, De Lolme, Adams, and others, dwell much on the necessity of dividing the legislative, from the executive, power; and the generality of readers take it into their heads, that this distinction really exists!

In republican governments, the law is made by the predominant faction; these hold the offices under the government, and they execute it.

In Great Britain, a new law is proposed in parliament; it passes both Houses, but it is presented to the King for his sanction. Until that is the case, it is not a law, though the parliament has approved it; and it is laid at the foot of the throne, rather as a prayer of the nation, assembled by their representatives, requesting that such be made a law; thus, by the fiction of the constitution, even here the King appears the lawgiver. The real fact is, however, that according to the practice, the law passed and sanctioned is no other than the deed of the predominant faction. In both these cases, the legislative, and the executive power, seem by no means so distinguished as writers have told us.

In France, the legislative power was no sooner assumed by the National Assembly, than the executive was transferred to them, and the throne was overturned.

* See Dalrymple's *Memoirs*, vol. III. p. 8.

If, therefore, it be true, what most writers have told us, that the separation of the legislative, from the executive, power is the basis of all free governments, and that this predicament is no where to be found, in what does it consist?

Every State, and every form of polity, reposes entirely on certain fundamental maxims, on which the whole system rests, and from whence the spirit of its laws is derived.

On these principles, the tenure of all property depends on the mode in which that is distributed; it also constitutes a principal characteristic of the government.

All these maxims have no other origin, than public opinion, acquired by circumstances, either of conquest, or colonisation; of this truth, any one may be sensible, who has considered the nature of landed property in America, as it differs from that of England.

The religion of the people contributes its share in conforming the character to this public opinion. All regulations, or laws, must depend on these maxims, for the power of the government depends on them.

When the prejudices and habits of the nation are favorable to freedom, good laws may be enacted: when they are at variance with it, the best you could propose would be disregarded, or even rejected with indignation.

Two opposite causes equally operate to the dissolution of governments; the first, when the government deviates from the opinions and maxims on which it set out; the other, when the opinions and prejudices of mankind are so changed, as to leave the government without their support. In either of these cases, the government must, sooner or later, undergo a change, although it may for some time put off the evil hour by fictions of law, and other subterfuges.

Before coming to a conclusion it is necessary to call the attention of the reader to some remarkable circumstances, which attend a British Prince.

It is an essential point, first, that he be rational; that is, that he have the use of his understanding. Thus it would appear, that this presiding mind has functions to perform; and yet, according to the theory of the constitution, there is no one point in public affairs, where he is ever supposed to make use of it. So great is the jealousy, lest his mind should be expanded by liberal knowledge, that the heir-apparent is precluded, by the laws, from visiting other countries, that he may not, in his travels, imbibe principles of despotism; as if a Prince of England, after having seen the advantages, which his kingdom enjoys from the freedom of the laws, would fall in love with the miserable desolation of Turkey or Morocco: the more you cramp his mind in youth, the more probably it will become irascible and tyrannical; particularly, if you cannot prevent flatterers from surrounding him. In this respect, while we endeavour to form a Prince, capable of presiding over a free people, we give him the same education with those, who are to rule the most degenerate nations!

No reflexion is here meant to be levelled at any one; but surely, if

our Princes feel attached to their country, it must be rather in spite, than in consequence, of the jealousy, with which we thus endeavour to lessen the sphere of their acquirements.

Another very illiberal jealousy subsists against the Sovereign in this country, which can never do otherwise than give occasion to factious men to render the Sovereign odious to his subjects, and which is often maliciously used to that purpose.—The outcry made against what is styled *back-stair influence*.

Now it is clear, that we either consider the Sovereign as a rational being, or as a mere automaton; if the latter, to what purpose does the constitution require, that he be neither a lunatic, nor an idiot? If the former, it seems somewhat paradoxical, that he should receive no light, no information, but what is given to him by a cabinet of men, chosen from a particular faction. This curious piece of refinement is in itself nugatory; for what does it signify, whether your Prince may have formed an opinion contrary to your own, from the advice he may have received from any gentleman, whom he may honor with his notice? or, whether he find reason to differ from you from what he has read in any author, ancient or modern? Would you prosecute a living author, (a dead one is out of your reach,) because your Prince were to adopt from his writings, a sentiment which might militate against your political views? This would be an excellent ground on which to overturn the liberty of the press. Would you prevent this, you had better pass an act to prevent him from ever learning to read, teaching him only to sign his name! Now, it is clear, you cannot monopolise the mind of your sovereign by any other means. You do all you can to cramp his mind when young, and you wish to make a puppet of him when he is a King!

The thirst of power is at the bottom of all this: in order to govern more effectually in his name, it is laid down as a principle, that he is a tyrant at bottom; that he is watching every moment to deprive the people of their privileges; and in order to obviate this danger of your own creation, that it is highly proper he should be kept in a constant state of tutelage: and while no scope is given him for the display of virtue, or talents, you are astonished that he does not display them!

The heir-apparent cannot improve his mind by travel; he is not permitted to follow a military life; he cannot look into the state of the fleets, or armies; he cannot interest himself about the revenues; no foreign negotiations are permitted to be shown him: to what purpose, then, can he employ his time, but for amusement? On acceding to the supreme power, if he is anxious on any point in public affairs, he cannot ask the opinion of any of his subjects, but those who may, perhaps, be the least of all acquainted with them, and who may feel a personal interest in keeping him as much as possible in the dark.

If, after so many exertions to deprive a Prince of those advantages, to which the noble youth of this country owe so much; and if a narrow education be the fittest method of depriving your Prince of every virtue, which can qualify him to reign over a free people, it must

surely be owing entirely to the superiority of his own mind, ripened by reading and reflection, if he still have advantages sufficient to absolve him from the insidious imputations, so artfully thrown upon him.

The Emperor Joseph the Second conversed with all people, and was eager for information. He was, according to the English phrase, an absolute monarch. Yet his people, so far from having to reproach his memory with tyranny and oppression, are indebted to him for many institutions, which have rendered their condition more free and secure. But Joseph had, in his youth, every opportunity of enlarging the sphere of his own mind; and he had every incentive to do good to his subjects, not merely by the power he held, but also by the interest he felt as an hereditary Sovereign.

How can we hope, in this country, ever to have these advantages? Our principles have so much jealousy, lest a Prince should do harm, that we deny him the means, while endeavouring to prevent him from acquiring the science, of doing good.

Surely it is more natural for one, who has a permanent and hereditary interest in any concern, to be more sincerely attached to it, than he, who is never sure of maintaining himself in the management of it for six weeks together; and who, besides, as has been before observed, is so dependent on others for support, that in order to satisfy all his friends he is obliged to vitiate the execution of his own enterprises.

The comparison made of a simple monarchy, such as has been described and the British government, is not intended with a view to its adoption in this country. It may, at any rate, serve to defend the cause of Monarchs, and to show to those, who have allowed themselves to be seduced by the declamations of pretended patriots, that a King is not such a monster, as men have generally supposed.

If they consider the British government still as perfect, let them not murmur at the factions, which often serve to paralyse its actions. If they wish to remedy the growing evil of factions, they may now have less reason to apprehend evils, and more to increase their confidence in their legitimate Sovereign.

The remarkable words of Thomas Windham, to his children, on his death-bed, in 1636, may very aptly conclude this Essay:

“My children, we have hitherto seen serene and quiet times under our last three Sovereigns; but I must warn you to prepare for clouds and storms. Factions arise on every side, and threaten the tranquillity of your native country. But whatever may happen, do you faithfully honor and obey your Prince, and adhere to the crown. I charge you never to forsake the crown, though it should hang on a bush.”—*See Hume's History, chap. 60.*

Had the people of this country been penetrated with these principles, what evils would not have been prevented?

* * A remarkable instance of the public virtue of British faction, appears in the circumstance of the Marquis of Douglas's mission to Russia;—Opposition sending out an agent of their own to counteract the Minister. This trait, if true, must excite indignation, and under any other Government would have met with its deserts, viz.—the Gallows.

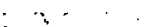
THE UNITED STATES



DEPARTMENT OF THE INTERIOR



GENERAL LAND OFFICE



WASHINGTON, D. C.

A
LETTER TO THE EDITOR,

OCCASIONED BY

THE PAMPHLET

ENTITLED,

A VINDICATION OF THE CONDUCT

OF

GENERAL SAVARY,

Published in No. XVIII.

BY

M. LE CHEVALIER DE LA ROCHE ST. ANDRE.

ORIGINAL AND EXCLUSIVE.

LONDON:

1817.

GENERAL SAVARY

AND

THE DUKE OF OTRANTO,

&c. &c.

To the Editor of the Pamphleteer, London.

SIR,

Prague, June 1, 1817.

I HAVE no hesitation in using your permission to insert in your work an answer to certain calumnious attacks upon the conduct of the Duke of Otranto, contained in one of the articles of a former number. I will candidly tell you what I know of that celebrated man.

We studied together;—the revolution separated us, he entered upon public business and I emigrated. I regularly corresponded with him until he became sufficiently powerful to procure my return to my native country.—I found him as I had left him; a good friend, a good husband, and a kind relation. I long desired to speak to him of his political career, concerning which the Journals were full of contradictions, their language having varied accordingly as he was in favour or in disgrace. One day, perceiving my eagerness, “I have not,” says he, “lost the habit which you formerly knew me to possess; I have kept an

account of every transaction of my life ; read these two books, and afterwards we will have as much conversation upon the contents as you think proper."

As these precious notes form at present the groundwork of his Memoirs which are about to be printed, the public will be enabled to judge them. I saw with pleasure, that if my illustrious friend had been guilty of faults, he was capable of detecting and correcting them; that his mind had never bent but to the pressure of the times. I could wish these notes to be published in the form in which they were when I read them ; by the polishing of the style they will gain but little, and will lose much. I regret that I am not possessed of his superior talent for giving all the explanations to which they led. Never did I read a better course of moral and political instruction.

The outcries of every party in France against the Duke of Otranto, are truly wonderful. Nothing makes any impression on his opposers ; neither his past services, nor the uniform character of moderation and generosity which he displayed under every system, throughout a long and painful administration, can find any favour with them.

This excessive irritation is however to be accounted for : the credit enjoyed by the Duke of Otranto during the later stages of his political career was immense ; the hopes of all the nation rested on him, and they find themselves in some measure disappointed ; each individual had cherished illusions which every day's experience dissipates and destroys.

Reasonable men call to mind that the evils which they endure were foreseen and constantly pointed out by the Duke of Otranto, and that the only cause of his retirement from office was the refusal on the part of Government, to second his efforts for their prevention : those who suffer passion to get the better of their reason, in their inability to trace their

misfortunes to any other source, make him the object of all their complaints, on him they heap their accusations. They blame him for every thing which he did, and still more for that which he did not.

In the eyes of some the capitulation of Paris was treason. — Although that capitulation was the result of the joint deliberations of a council of all the leading military characters, they attribute it to him alone. Far from giving him credit for having prevented a useless effusion of blood, for having saved Paris from destruction, for having exposed himself to the first shock of a reaction for the salvation of those who would have been its victims; they blush not to charge him with having given up France to Foreigners. The restoration of the Bourbons they add is the fruit of his negotiations. Neither the force of events, nor his disgrace, nor his exile, nor his proscription, nothing in fine can convince the ignorant, the empty, the prejudiced mind. It is easier to blame than to reason.

In the eyes of another party, the moderation of the Duke of Otranto is considered as perfidy; his courageous advising of an amnesty, as a triumph to the Buonapartists; the reports which he published to gain the public opinion to side with the king in opposition to those who invaded his authority under a pretence of better providing for the defence of the throne, are adduced as the manifestoes of personal ambition. Not content with inveighing against his past life, even his resignation is made the subject of their reproaches. They say that in his retreat he forgets to defend the interests of society; that he consults his ease rather than his fame; that silence is a crime in a man who has often displayed such lofty views, and such strength of character: they attack him even in the bosom of his family, they inquire into the age of his children, they ask for what profession he designs them; they would wish to

ascertain if they be sensible of the obligations imposed on them by the name of their father. Do they not know that the annals of these later times present us with heroes of their age in the military profession?

The children of the Duke of Otranto cannot surely do better than profit by the living lessons which they have under their eyes, than gather from his lips the noble inheritance of his great, his important precepts,—than peruse with him the narrative of events which they themselves have witnessed, events so strangely perverted, so distorted, that one hardly knows which most to admire, the falsehood of the writer, or the listlessness of the readers so feeble in their reprobation of such a narrative. To the children of the Duke of Otranto above all men does the truth of the aphorism of Pope apply, which is taken for a motto to the immortal work of *Cabanis*,

“The proper study of mankind, is man.”

The factions will never forgive the Duke of Otranto; they know that from him they must expect no compromise, that they can never regain his good opinion, and that he views as the commencement of anarchy, the attempt to establish the claims of pride in the place of the law. One answer of his, which I heard, I shall never while I live forget. A person sought to excuse by the plea of excess of zeal, a rather disrespectful sally against a proclamation of the king—“*Reserve*,” says the Duke of Otranto to him, “*your zeal, for your obedience.*”

It appears to me that Henry the 4th. would have felt the value of such a minister, and that most particularly his incorruptible good faith would have prevented him, after having laid claim to his services, from sacrificing such a man to a faction.

The atrocious fable which has been founded upon the

death of Captain Wright, and which you published in the number of the Pamphleteer which appeared on the 18th March, is absurd. What interest could the French Government have in ridding itself of so unimportant a personage? The moral character of the Duke of Otranto is in itself a sufficient refutation of all these senseless and groundless aspersions of malevolence.

It is a lamentable circumstance, that at this day courage should be wanting to do justice to his administration; whatever it may have been, I will not join in the unjust and ungrateful invectives of the parties who flattered him whilst he rendered them service, and calumniate him now that he no longer possesses the power of so doing; never did I feel for him a more profound esteem or a more tender attachment.

I hope the printing of his Memoirs will clear up the doubts of honest men, and silence those who have no other feelings than prejudice and hatred. As to the idle talkers, no hope remains of quieting them, since they hear nothing, and their self-love admits of no gratification equal to that of having the last word.

In a future letter I shall enter somewhat at large into the question whether the Duke of Otranto could have opposed the march of the allied forces and kept them out of Paris. It is very clear, to me at least, that with the regular troops he could not, for the chiefs of the army and Napoleon himself did not think it possible: his abdication is a satisfactory proof that he had no hope left. It is said the Duke might have roused the nation to rise against the Foreigners;—but the wounds inflicted by the failure of Napoleon were yet bleeding, and the Foreigners seemed to promise help rather than oppression. The present moment is every thing with the people.

I shall next inquire whether the Duke of Otranto has served his country better by accepting the ministry under

Louis XVIII, than he would by retiring from office. By his acceptance of office he has been enabled to soothe at least the rage of the victorious against the vanquished party; he had moreover a chance, he might reasonably hope, to induce the Bourbons to recognise and regard as sacred the interests of the great body of the nation, for that would have been the best step they could have taken towards establishing themselves on a solid foundation.

In opposing with firmness and courage a system of moderation to the exterminating doctrine which was preached up against those who were styled *Buonapartists*, he was equally useful to the Royalists and to those who had grown up under the Revolution. It is evident that he was not actuated by personal ambition in charging himself with the administration; had he been ambitious, he could have forwarded his views better. His enemies have not been able to charge him with making conditions for himself; nor can they refuse the justice of acknowledging that he preferred proscription to serving a party whom his conscience disapproved.

Had the Duke of Otranto withdrawn from office on resigning the presidency of the government, it is impossible to say what might have happened; the exasperation and blind rage of party were at their height. Let us call to mind what was said in the chamber of deputies, and what has been revealed to us of the combination of the secret committees. Meantime the first transports of violence were over, the passions seemed to have subsided, and the sword was returned to its scabbard. I have heard the Duke of Otranto reproached with the formation of that chamber; I will state how it was named, in spite of his opposition. A peer of France, better skilled in oratory than in the art of government, affirms that the Duke would have been much embarrassed in appearing there. This

brings to my recollection another circumstance of his life, which was related to me by Messrs. Malouet and Cazalès. He arrived at the post of minister of the general police in the time of the republic; he had filled that of ambassador at Milan, and at the Hague, and had occasion there to combat the dreadful doctrines of anarchy; his sentiments had displeased the constitutional club which was established at Paris, and which, though more moderate than the ancient Jacobins, overawed the government.

Several members of that club affirmed in a similar manner that the Duke would be afraid to appear there. The only answer they received was, their finding next morning the doors of their place of meeting closed up,—and they were never opened afterwards.

Had the plan of the Duke of Otranto been followed when he proposed it, the party called the *Ultras*, would never have been formed, and France would not have been torn by factions.

I am, Sir, with the greatest respect, &c.

LE CHEVALIER DE LA ROCHE ST. ANDRE,

PROJECT OF FINANCE:

OR

A PROPOSED METHOD

OF

AFFORDING RELIEF TO THE COUNTRY

AT LARGE,

IN THE PRESENT CRISIS,

1816;

AND EVENTUALLY OF RAISING

CONSIDERABLE AND INCREASING SUPPLIES,

WITHOUT HAVING

RÉCOURSE TO NEW TAXES.

BONI PASTORIS EST TONDERE PECUS, NON DEGLUBERE.—SÜETONIUS.

ORIGINAL.

LONDON.

1817.

PROJECT OF FINANCE,

&c.

Preliminary Observations.

In contradiction to specious arguments and gloomy predictions, it has now been proved, by nearly *nineteen years* experience in the United Kingdom of Great Britain; that *paper money* answers every purpose of *specie*, as a circulating medium; and that without any inconvenience; nay even with considerable advantage to the Nation!

In the able and laborious work "*On the Wealth, Power and Resources of the British Empire*," the author says: "All must agree, that from the period when the National Bank was restrained from issuing *specie* there has been a progressive prosperity, and a self-evident increase of wealth manifested; not only by the ease and facility with which the immense loans have been obtained for the exigencies of the state, which had not been experienced in an equal degree before that period; but also by the more general diffusion of apparent wealth among the middling as well as the higher classes of society; who, notwithstanding the accumulation of taxes, and the unexampled high prices of all the necessities and luxuries of life, have both in their habitations and mode of living exhibited appearances, which indicate an accession of property, progressively increasing within the last sixteen years, which was not obvious during the same period anterior to 1797."

In favor of *paper money* it may also be asserted as a truth, that supposing the commerce of a nation to require millions of cash to perform the office of a medium of exchange ; if that nation has the *specie*, and can establish the credit of the like sum in *paper*, the *specie* will no longer be wanted to perform the office of a medium ; but may be turned into *stock in trade*, and the commerce of the nation thereby increased.—For instance : it may be employed in the purchase of the commodities of the eastern to be sold in the western part of the world ; and the contrary : from which traffic a profit may be drawn to the nation exceeding the interest ; besides employing its ships and seamen.—Or it may be let out at interest to foreign nations.

This theory is also corroborated by the author already quoted, who says—"The exchange of property through a circulating medium composed of the *precious metals*, is perfectly impracticable, independent of the almost incalculable expence of it to the nation : first, from the capital which must be sunk and rendered totally unproductive, which might otherwise give vigour and energy to productive industry : and second, by the loss which must arise from deterioration by sweating and by wear.—To the saving of this capital, although not hitherto obvious, Great Britain is indebted for much of that wealth by which she has been distinguished beyond rival nations."

The great advantage therefore of a *paper circulating medium*, seems evidently proved both by reason and experience. Yet the throwing a great additional sum into immediate circulation, would probably raise a little the price of commodities ; in the same manner as if the like sum was suddenly dug out of new mines and converted into coin. But in the present state of the country, the advantages of an *extensive paper currency* are demonstrable.—Suppose twenty millions of *paper money* to be issued in Great

¹ Gold and silver become *merchandise*, as *metals* ; and are therefore unfit for a circulating medium ; being liable to vary so much in real value, as frequently to induce the melting and sending such metallic coin out of the country, as *merchandise* : thereby depriving the state of even the quantity of currency, that should exist in it, as a necessary instrument for its internal commerce, manufactures, &c. and obliging the government to be continually on its guard in making, and executing, at a great expence, laws to prevent this injurious exportation.

Britain, with the authority of government, by which twenty millions of *gold* comes to be exported to the rest of Europe for commodities.—This increases the gold, through all the other parts of Europe, twenty millions; and affects the price of commodities only in proportion of twenty millions to the whole commodities of Europe: It therefore constitutes the amount of the *disadvantage*: But the advantage to Great Britain consists in the profit of the **WHOLE TWENTY MILLIONS**, which she *exclusively* enjoys.

The foregoing premises being admitted, it is proposed to government to raise supplies in a way, that far from being onerous to the nation, shall on the contrary be serviceable; by tending to the increase of agriculture, manufactures, commerce, and national improvements of every description: at the same time that these supplies will enter the public coffers, *without taxation*.

The scheme projected for effecting this, differs essentially from any former modes of raising money in this country; in as much as it is founded on a plan by which the government becomes the *lender* instead of the *borrower*; and consequently *receives interest*, instead of *paying interest*!

PLAN.

1. Government shall cause to be passed an act for the fabrication (with all due stipulations and precautions to prevent counterfeits) of millions² of paper money, in bills or notes for various sums from *L.* . . . to *L.* . . . said paper money to be made a *legal tender in all cases whatsoever* in the United

¹ In several of the former British colonies in North America a nearly similar plan, on a small scale, was adopted about the year 1739,—and was attended with the greatest success and advantage to those colonies; by rapidly increasing their settlements and commerce.

² Twenty or 25 millions may be sufficient to begin with: but no doubt, in a few years, 50 or 60 millions might be issued without inconvenience; and even with considerable advantage to the state.

Kingdom of Great Britain; and the counterfeiting the same made felony of death.

2. The money thus created, to be emitted *only on loans and prior mortgages*, on unencumbered freehold¹ estates in the United Kingdom, of *double* the value of the sum so lent: Said loans to be for a term of not less than *one year*, nor exceeding *ten years*; and at an interest of five per cent. per ann.: payable *half yearly*: Moreover, *one tenth* of the principal to be reimbursed at the expiration of each year, (if the loan is for 10 years, and in like proportion for other terms), and loaned out again on the same conditions, for a limited number of years; or till it may suit government to stop renewing said loans; and thereby calling in and destroying said paper money.

3. The *interest only* arising from this emission of paper currency, to be applied to the public service.

4. The bills or notes forming this emission to be styled and called MORTGAGE NOTES, as being essentially such.

5. That for the more easy ascertaining the clearness of titles, a separate act shall be passed, to oblige the *recording* of all conveyances, mortgages, &c. throughout the United Kingdom: as is already practised in Middlesex, Yorkshire, Scotland; the West Indies, France, and the United States of America.²

6. That for the purpose of carrying this plan into execution, and managing the same; there shall be established in London, The General Loan Office, to be directed by commissioners appointed by government. And in each county town, an agent, or a *subordinate loan office*, to receive the interest and instalments falling due in each county; and forward the applications made

¹ Under proper restrictions and precautions, this might be extended to copyhold and leasehold estates.

² This may be made another considerable source of public revenue, at the same time that it would be of the greatest public utility; as tending to preserve clear and indisputable titles, and preventing fraud and imposition.

By the frequent failure of the Country banks who have issued notes; paper money, as it is at present constituted, is likely to lose public confidence. Government by assuming its privilege in this respect, and preventing all circulation of notes to bearer, but such as emanate directly from its own authority, (similar to the coin of the realm) would re-establish a suitable confidence, to the great advantage and security of the nation; as well as benefit to the public treasury.

for loans in such counties, with appropriate observations, to the Commissioners of the General Loan Office in London; who are to be alone authorized to direct and superintend the whole concern, relative to the fabrication, emission, and loaning the said paper money, agreeably to law.

7. That to prevent the evil that might attend an *over quantity* of paper currency being issued, government is to proceed by *degrees* in authorizing the emission of the same; and thus prudently feel the proportion necessary, which it could not previously calculate. The course of exchange with foreign countries, will also be an additional means of regulating emissions.

8. And still more effectually to prevent an *over quantity* being extant at any one time, government to allow an interest at the rate of 4 per cent. per ann. for all sums lodged in the several loan offices, during the time the owner suffers it to remain there. By this means the due proportion of money that should be current will find its *level*, and will adapt itself, from time to time, to the wants of the country, the occasions of commerce, &c.

9. The Commissioners of the General and County Loan Offices, to take an oath and give security for the due and faithful execution of their respective offices; and account annually.

[A detailed account of the method of carrying this plan into execution, is annexed, and some new devices and contrivances, for preventing or immediately discovering counterfeits of the mortgage notes, will be given separately, should the plan be adopted, in whole or in part.

Some of these are of such a nature, and require so many different and able artists to execute them, as to render *successful forgeries* impracticable. This can never be the case in respect to metallic coin.]

Some of the advantages resulting from the foregoing plan, if properly executed, would probably be :

1. That one half of the real value of the freehold estates of the United Kingdom, might be converted into active capital; thereby

furnishing the country at large with a medium of trade, and of a kind that could not to any purpose be *exported* or *hoarded* to the injury of the state (as is the case with specie); at the same time one of the *most secure*,—each bill or note being, in fact, *a fractional part of a mortgage, on real estate of double its value*!

2. The present Bank of England notes are said not generally to circulate above 30, or 40 miles round the capital: Whereas the proposed *mortgage notes*, from their peculiar nature, and acknowledged security; as well as their being *a legal tender in all cases*, to the revenue and to individuals; would necessarily have an *universal circulation*, through the United Kingdom.

3. From the foregoing peculiarities and advantages relative to the *mortgage notes*, they would soon in all probability render useless the present *country bank notes*; which ought moreover, for the security of the public at large, to be prohibited by an act of the legislature; and the profits of those banks and bankers, to be only of the same nature as those of the private bankers of the capital. By this means the circulation of the government paper; (the *mortgage notes*) would be immediately increased and extended, “and the many evils and distresses prevented, which are well known to arise from the frequent failure of the provincial bankers, (who circulate their own notes, without any pledge of solidity to the public).” *Wealth and Resources of the British Empire.*

4. This secure, abundant, and universal circulating medium, (as well from itself as the manner of issuing it,) will extend national improvements of all kinds, by enabling all proprietors of unencumbered estates, to borrow with facility, free of any extraordinary expence, and on *legal interest*, one-half of the real value thereof: And as no doubt there will be numerous applicants for such easy, equitable, and beneficial loans; money will thereby become plenty in the country, with all its attendant advantages.

5. A great annual sum, and continually increasing (as the advantages of the operation become more sensible) will arise to government for *interest* (as also for *stamps*); which, after deduct-

¹ Paper money, of any description, ought only to be fabricated and issued under the immediate authority, and in the name of the *sovereign*, or *state*, who ought to be its *surety*. (See *contra*.)

ing charges, may be considered as a permanent and effective revenue to the state.

6. A considerable profit will also arise to government from the wearing, and in many instances total loss, of a great many of the notes for small sums; (as is found to take place with the Bank of England notes) sufficient perhaps to defray the expences of the County Loan Offices, &c. to which certain fees of office will also be attached.

7. In short, government will derive all the advantages which the chartered and country banks have hitherto enjoyed, to the extent of the proposed emission of paper money; at the same time that both government and the public will have a far superior security for such emission: since no money is to be issued but through the medium of mortgages.

¹ It has been asserted that the increase of the Bank of England profits, by the increased circulation of their paper since the Restriction Act passed in 1797, nearly amounts to 700,000*l.* annually!! Why should not the government, consequently the nation, derive this great advantage? The right of coining money is a *prerogative* of MAJESTY.—Bodin (in his Republic, book i. chap. 10.) relates that Sigismund Augustus, King of Poland, having granted this privilege to the Duke of Prussia, in the year 1543, the states of the country caused a decree to be passed, in which it was asserted—“*that the king could not grant that privilege; it being inseparable from the crown.*” Ought not the right of making and issuing *paper money*, in the form of BANK NOTES; or any other circulating medium; to be equally a *prerogative* of the crown, and also *unalienable*? And can there be a more favorable occasion of exercising that right, when the nation is now accustomed to paper money, is sensible of the many advantages attending it, and is in want of an increased circulating currency?—Should it however be deemed impolitic or unjust to interfere at this time in so great a degree with the profits of that useful corporation, the Bank of England; might not this objection be done away, by employing the Bank itself to issue and receive the *mortgage notes*, on a commission; or by otherwise modifying the plan? The restraining the Bank of England from issuing a larger amount of notes, than they issued previous to 1797, when they paid in *specie*, would be no infringement of their charter; as it was granted on the express condition “*that they should be prepared at all times to exchange gold and silver coin of the realm for their notes.*” Nor would it probably be considered any hardship, since on resuming the payment in *specie*, they will find it necessary, for their own safety, to reduce their circulation;—which, without the proposed issue of *mortgage notes*, would prove a serious inconvenience to the public.

8. From the facility and equity attending this mode of obtaining loans on mortgage from Government, it is probable the preference will in most cases be given to it; consequently the greatest part of the money hitherto loaned out on mortgage, by individuals, not finding that employment, will in all likelihood be placed in the public funds. This will of course keep up their value: a circumstance generally favorable to government and advantageous to the nation.

9. Finally, this scheme while it confers upon the country a great public convenience, tending to invigorate agriculture, trade, and manufactures; will produce the same result as if an actual tax was imposed to the extent of the sum thus raised by interest; but which, instead of being felt as a burthen, will confer a benefit; since he who *actually pays the interest*, must be supposed to have more than an equivalent in the use of the principal.—And this mode of raising a revenue, will in effect spread itself more equally on all property; perhaps more so than any thing in the shape of a *real tax* that can be invented; since every one that has the money in his hands, does from the time he receives it, to the time he pays it away, *virtually pay* the interest for it: the first borrower having received the value of it; (to use for his own profit) when he parted first from the original sum. Thus the rich, who handle most money, will in reality pay most of this *tax-equivalent*; while at the same time it will extend over the whole population of the country; and in this view it cannot fail to be extremely productive to Government.

Taking the medium of the emission and circulation at only 40 millions, the annual revenue to Government will be *two millions*; (and this *without taxation*.) But in a few years, with the suppression of the issuing of *Country Bank Notes*, in all probability, it would far exceed that sum!

If this plan could be extended to Ireland, the North American, and West India Colonies, it is believed it would prove a considerable accommodation to those countries, and greatly facilitate remittances to Great Britain.—It would of course proportionably increase the projected revenue.

1st Feb. 1816.

P. S. The contemplated payment of *specie* by the Bank of England, will unquestionably have the effect of diminishing their *paper circulation*; which, with the *circulation of specie*, will have the practical effect of rendering *both* inadequate to the demand of the country: and the failure of so many of the Country Banks, as have and are likely to take place, must also greatly reduce the general *provincial circulation of paper money*; which will be further reduced, by the *solvent* Country Banks being compelled to follow the example of the Bank of England, by paying also in *specie*: the result of which will be, *a general scarcity of the circulating medium*; and a consequent want of accommodation to the farmer, merchant, manufacturer and others, by means of *discounts*; which cannot fail to produce universal distress; and, it is to be feared, a general convulsion in public credit! This disaster, which may be fairly anticipated in the present circumstances of the country, it is presumed would find complete relief by carrying into immediate execution the proposed plan, of *issuing money on loan and mortgage*.

During the different crises of commercial distress which have occurred in the last 25 years, it was found necessary to issue exchequer bills on loan, for the relief of the manufacturing and other interests, which may probably soon be called for again: but the necessity of resorting to such an expedient would probably be superseded by this projected finance scheme being timely and properly carried into execution; with such modifications and amendments, as superior information may point out.

Finally, considering the proposed *mortgage notes* as a *substitute for metallic coin*, the saving that would accrue from the deterioration or diminution of the weight of metal, (unavoidable from the use of coin) and the profit arising from the usual loss of many of the smaller notes; would more than repay the whole expences of the proposed administrations and establishments, for carrying this plan into execution: and independent of the general and particular advantages, previously stated; the nation, by availing itself of this substitute for the precious metals, would save the interest and compound interest on an amount of bullion equal to that of the sum issued in paper. This, when calculated for a considerable term of years, will be found an object of great magnitude!

Project of Finance.

125

Suppose gold coin issued to the amount of - £40,000,000
 The loss on 14 years compound interest would be 40,000,000

		80,000,000
Loss in 28 years	- - - -	160,000,000
Loss in 42 years	- - - -	320,000,000
Loss in 56 years	- - - -	640,000,000
Deterioration in wear, sweating, &c. in the course of 56 years (supposed)	- - - - }	1,000,000
Loss of specie by various causes, in the sea, &c. &c. (suppose)	- - - - }	1,000,000
Total		642,000,000
Deduct original capital		40,000,000

Remains amount of loss in 56 years, by the
 use of GOLD COIN - - - - } £262,000,000

Suppose mortgage notes to be issued to the amount of £40,000,000
 the result would be,

Gain by compound interest in 14 years	-	40,000,000
Ditto in 28 years	-	80,000,000
Ditto in 42 years	-	160,000,000
Ditto in 56 years	-	320,000,000

Gain by notes lost, burnt, or destroyed by
 various accidents in the course of 56 years } 1,000,000

Total amount of gain, on the substitution of
 40 millions in MORTGAGE NOTES, during
 56 years - - - - } 321,000,000

Gain by abstaining from the use of the like
 sum of 40 millions in GOLD COIN, during
 the same period ; (as stated above) - } 602,000,000

Total gain to the nation by the proposed sys-
 tem in fifty-six years - - - - } £923,000,000

[N. B. Nothing is charged for fabrication on either side, being supposed to be nearly equal.]

Thus the circulation of only forty millions of *mortgage notes*, in preference to *gold coin*, would produce a difference of *four millions* yearly to the advantage of the nation; and an aggregate benefit in 56 years, of the enormous sum of nine hundred and twenty-three millions!!

1st March, 1816.

Proposed Method of carrying into execution the projected Finance Scheme of a GENERAL LOAN OFFICE.

There shall be established in London, the **GENERAL LOAN OFFICE**; the business of which shall be conducted by Five Commissioners (to be styled the Commissioners of Loans) assisted by one or more able Conveyancers, and one or more experienced Solicitors, Land Surveyors and Appraisers, specially attached to said office; together with a principal Secretary, and the necessary number of Clerks. There shall also be attached to the General Loan Office, a certain number of Inspectors, (to be styled Loan Office Inspectors.)

There shall likewise be established in each County Town of the United Kingdom, a *subordinate Loan Office*, (to be denominated the ——— County Loan Office) to be managed by a County Commissioner of Loans, assisted by a Conveyancer, a Surveyor and Appraiser, a Secretary, and one or more Clerks according to the extent of said County.

The business of the GENERAL LOAN OFFICE to consist of,

1. The taking the orders of government for fabricating and signing the paper money authorized by law; and denominated *Mortgage Notes*.

[To facilitate change, and render a very small quantity of *silver coin* necessary for that purpose; it is proposed to make notes for *one pound—one pound, five shillings—one pound, ten shillings*, and *one pound, fifteen shillings*:—by which means, with

five shillings of small change, any fractional sum can be completed.]

2. The emitting the said paper money on loan and mortgage, in conformity to the law passed for that purpose; and in the proportions directed by government, who are to control the same.

3. The causing to be kept regular accounts of said emissions, (according to the amounts ordered by government from time to time) the numbers of the notes, and their respective denominations.

4. The communication, and correspondence with the several County Loan Offices, in the United Kingdom; over which the General Loan Office is to preside.

5. The receiving from time to time from the County Loan Offices, their reports of applications made to them for Loans, in their respective Counties; and the *state* and *value* of the property offered to be mortgaged, as security for said Loans; supported by the report of the County Surveyor and Appraiser thereon, and that of the County Conveyancer, respecting the *title*, &c. &c. together with the observations and remarks on the whole, by the County Commissioner of Loans.

6. To receive, examine, and enregister the amount of *instalments*, or *interest* reported by the County Commissioners, to have been paid in their respective offices, from time to time, by the borrowers; as also that of the *principal*, when repaid into said offices.

7. Finally to superintend all the other parts of the administration and execution of the Loan-Office plan.

The business of the COUNTY LOAN OFFICES will be,

1. To receive and consider the several applications for money on loan and mortgage, in their respective Counties; and keep a register of the same, according to the order of time in which they are made; adding the sum desired on loan, and the security proposed.

2. If said proposal appears satisfactory, to cause to be

valued the security offered :—the validity of the title to be examined :—and afterwards to report on the whole, to the Commissioners of the General Loan Office, and await their instructions and orders on the subject.

3. When a Loan is approved and authorized by said Commissioners of loans, to receive from them the sum to be so loaned ; to pay the same to the parties borrowing, and take charge of the security deeds ; which are to be executed per *triplicata*, (being printed with blanks for this special purpose.) One set thereof to remain executed in a bound book, to be kept in the County Loan Office ; another set to be transmitted to the General Loan Office ; and the third to be delivered to the mortgager (for his information) with the time and proportion of the several payments falling due, (both of the interest and instalments) distinctly written thereon. For all which, certain fixed fees to be paid by the mortgager.

[It is to be noted, that the mortgager, if able, may pay the whole or any part exceeding the instalments fixed, at any time within the term ; and a proportionate deduction of *interest* shall be allowed him. But that when any borrower fails in payment of his instalments *on the day fixed*, he is to be charged with *interest* on the instalment, till paid : otherwise the office would be prejudiced by not having the *principal* to let out anew, and the *interest* to answer public purposes. So much of such interest on the instalments, is to be called *broken interest*; and is to make a separate article in the accounts. Its quantity is proved from the back of each mortgage ; (the time when the instalments were *due* appearing there) and also in the day-book and ledger. This broken interest to be applied to the same uses with the interest on the loans, being equally a profit to government.]

4. The County Commissioners, besides *issuing* the money sent to them by the Commissioners of Loans, are also to exchange notes too much worn for circulation ; and for which, a particular sum of new notes is to be allotted.

5. To keep separate accounts of all sums *deposited* in the several County Loan Offices (agreeably to plan), and the reimbursement of the same with interest due thereon, at 4 per cent. *per annum*. The same to be included in their *monthly reports* to the Commissioners of the General Loan Office.

[With respect to *deposits*, a chequed receipt is to be given every person depositing money in the County Loan Offices, expressing the sum deposited, the time when the interest is to commence (which it is proposed shall not be till one month after date, in order to allow time for the employment of the same), the time the deposit money is to be repaid, to the person named, or to order, on producing the receipt; when a counter-receipt is to be given on the same paper, acknowledging the repayment of the principal with interest. These receipts and counter receipts, will be vouchers for the truth of the book accounts of the sums paid for interest.]

Functions of the Inspectors.

To visit from time to time the respective County Loan Offices in the United Kingdom, and inspect the Acts, Books, &c. of the same, as often as they shall be directed so to do, by the Commissioners of the General Loan Office: and to report to them the state of the said County Loan Offices; their management &c. &c. that in case of any misconduct, or delinquency, proper steps may be immediately resorted to for remedying the same.

[When the accounts of the County Loan offices, are to be inspected or settled, the respective County Commissioners will be charged with the *loan money*, put into their hands from time to time; and discharge themselves by producing authorized mortgages for the whole, or for part; and the remainder, if any, in mortgage notes. They will be charged with the *exchange money*, and discharge themselves by producing torn notes for part, and the remainder unexchanged. They will be charged by the account of *interest and instalments received*, and discharge themselves by *their salaries*; by the sums forwarded to the General Loan Office; by the interest they have paid on sums deposited, and by producing the balance in mortgage notes, remaining on hand.]

Functions of the Secretary General of Loans.

He is, with the assistance of clerks, to keep a regular account of all applications for loans (to be taken from the reports of the

Commissioners of the several County Loan Offices) together with the decision of the Commissioners of the General Loan Office, respecting each application.

He is also to keep a regular journal of all the transactions of the General Loan Office with government, and the County Loan Offices.

He is also to keep a day book, in which is to be noted the sums and numbers of *mortgage notes*, fabricated and signed by the Commissioners of Loans; particularizing the same: also the *emissions* and *receipts* of each day: the sums lent on mortgage, and to whom: the sums received from each County Loan Office, distinguishing *principal* and *interest*: the sums reported to be *deposited* in the several County Loan Offices, for which an interest is to be allowed at the rate of 4 per cent. per annum: the reimbursing such sums with the amount of interest paid: the amount of new notes exchanged for old ones: the Commissioners' salaries, and contingent expences appertaining to the General and County Loan Offices; and the carrying the whole plan into execution; as also the amount of sums paid into the government treasury, or lodged in the Bank of England on account of government or of the General Loan Office.

The Secretary General is also to cause to be kept a *ledger*, in which the day book accounts are to be regularly posted up, under their respective heads; so that the actual state of the transactions of the General Loan Office, and the amount of *mortgage notes* in circulation, together with the amount of applications for new loans; may at any and at all times fully appear.

General Regulations.

Two of the Commissioners of the *General Loan Office* to attend *daily* at their office to superintend the ordinary business thereof; and the whole Board to meet there *once a month* to consider the applications made for loans; examine the solidity of the securities offered; and fix the sums to be lent on those securities that may be approved of; which is to be determined by not less than a *majority of the whole Board*; after taking into consideration the report of the County Commissioner of Loans on

each application ; and those of the General Loan Office Surveyor and Conveyancer, respecting the value of the property, and the validity of the mortgage, offered as security for each loan.

At these Monthly Meetings the new mortgage notes, wanted for fresh emissions, are to be signed by two of the Commissioners of Loans, and forwarded to the respective County Loan Office, where they may be wanted to fulfil new loans.

At the same meetings the Commissioners of Loans are to take into consideration the reports of the Inspectors, and those of the County Commissioners. On the reports of the latter, the Commissioners of the General Loan Office may, if they see sufficient grounds, (and the same is approved of by a majority of the Board) prolong the time of payment of the instalments : but the interest to be absolutely, and without power of prolongation paid.

The Commissioners of the General Loan Office are to have a regular *Quarterly Meeting* of the whole Board, for the express purpose of making a general report to government of the state of the several Loan Offices throughout the United Kingdom : the amount of mortgage notes in circulation : the increased or diminished demand for new loans : and all other circumstances relative to the effect produced by this financial scheme.

A *Yearly Meeting* of the whole Board of Commissioners of the General Loan Office is also to take place, to make up their accounts of the preceding year, and settle the same with the government.

EDWARD B. BRYDGES

MEMBER OF THE COMMITTEE

ON THE POOR LAW

REPORT

ON THE POOR LAW

WITH

ADDENDUM

ON THE POOR LAW

BRYDGES, BART. M. F.

MEMBER OF THE COMMITTEE

LONDON

ARGUMENTS

IN FAVOUR OF THE PRACTICABILITY OF

RELIEVING

THE ABLE-BODIED POOR,

BY FINDING EMPLOYMENT FOR THEM;

AND OF

THE BENEFICIAL CONSEQUENCES OF SUCH EMPLOYMENT,

NOTH TO THE

MORALS OF THE POOR,

AND THE

NATIONAL WEALTH:

ADDRESSED

TO THE COMMITTEE ON THE POOR LAWS.

BY SIR EGERTON BRYDGES, BART. M. P.

A MEMBER OF THE COMMITTEE.

LONDON.

1817.

PREFACE.

THE same assumptions, which afford arguments tending to prove the difficulties in the way of a remedy to the present operation of the Poor Laws, add to the alarm and despondence with which they are fraught, by involving in them the necessary reflection, that, if true, our general welfare, the prosperity of our agriculture, of our trade, and of our finances, has to combat with at least equal obstacles. The same principles apply to both; and if well founded in one case, it seems to me impossible to refuse assent to their operation in the other.

It is therefore with a most earnest anxiety, even far beyond what the pressing and portentous subject of the Poor Laws could have inflicted on me, that I have been for many days tasking the best powers of my mind to this deep and extensive inquiry. For the sake of simplicity, for the sake of that freedom from prejudices, which in the search of Truth it was desirable on so momentous an occasion to attain, I have kept the workings of my mind unmixed with the theories of others. I have not consulted a single printed book or pamphlet on the subject: and though formerly not unread in the volumes of Adam Smith, and of other men eminent in the science of Political Economy, their theories have so far melted away from my memory in the process of this investigation, that at the present moment

I can form no guess how far I am supported or contradicted by their doctrines.

My opinions seem to me (perhaps delusively) to stand on the rock of common sense and experience. And I conceive that I should have acted with great impertinence on this occasion, if I had only repeated what I had copied from others, and which might already be much better consulted in their own original language. If I differ from them, my arguments, even though they should be finally condemned as erroneous, will probably be at least thought worthy of consideration. If I coincide with them, the arrival at the same results by a different process will be a strong confirmation of their justness.

The extraordinary phenomena of the present crisis are such as Adam Smith could little foresee: and the wonderful confusion of ideas which betrayed itself on subjects of this nature, so late as the discussions on the Corn bill in 1814 and 1815, proves that these things are yet little understood, and will bear further elucidation.

The result of this Inquiry has been, to set my own mind at perfect ease: for it has confirmed me, even to conviction, in the opinion entertained by me at the outset, that those portentous assumptions, which so strongly arrested my consideration, are founded in complicated error; that none of the obstacles to the simple and practical remedy for the mischiefs of the Poor Laws exist: and that, for the same reasons, none of the gloomy predictions for the future prosperity of the State, in its wealth and finances, have any just foundation.

As long as the principle and basis of the present fabric of the Poor Laws remained unquestioned by the Government, all that an individual could hope to do towards ameliorating the condition of those for whom it was instituted, was to propose an amendment of some of the minor defects in its

machinery, which ~~that~~ or accident, or inadvertence, had caused. For this purpose, I have for several Sessions attempted several small alterations, which I yet believe would have somewhat corrected the existing System.

As Government has taken up that, which nothing less than the cooperation of Government could give effect to—
Mr. Curwen's motion to investigate the whole System, with a view to remodel and rebuild the whole—a line of argument and series of suggestions of a very different nature, has become proper.

I mention this, that what I now propose may not seem inconsistent with my former efforts. At the same time I cannot but be fully sensible how much light of the most valuable kind has been thrown upon this subject by the collision of able and well-informed minds in the Committee: and that much of this train of argument, and many of these suggestions, would never have occurred to me, but for the inquiries and reflections which the discussions of that Committee forced upon me.

When I heard Mr. Gilbert's powerful exposition of the fatal and ruinous operation of the present System on the morals and happiness of the Poor, which it was impossible not to admit in its full extent; and yet felt an unqualified conviction, that funds equal to those on which the Poor had been so long accustomed to rely, could not be withdrawn, or even diminished except very slowly, without privations and sufferings too great to be hazarded; my mind was oppressed by difficulties attached to the subject, which it required some strenuous pains to overcome. At length I found how Mr. Curwen's plan of contribution to the Rates, a little altered in some of its details, might be made to produce all the good desired, free from the counterbalancing evil which threatened it; and while it should relieve the Poor, and restore their morals, should at once lighten and

almost extinguish the burden on the shoulders of those on whom it now so partially and heavily falls, and incalculably increase the wealth and strength of the State.

Nor can I refrain from drawing the notice, in this place, to one other advantage incidental to the scheme of making the Poor main contributors to the funds for their own support. It would nearly, if not wholly, remove the difficulty of effectually altering the present law of Settlements, which causes such grievous hardships to Paupers, and such expensive litigations to Parishes.

April 8, 1817.

...the most valuable
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ARGUMENTS

&c.

PRELIMINARY OBSERVATIONS.

THE following Arguments and Suggestions have arisen out of some questions ~~which occurred~~ in the Poor Committee, on Saturday 29th of March, when the Committee had under their consideration the necessity of a reform in the present mode of administering relief to able-bodied paupers under the Poor Laws. It seemed universally admitted, that the present mode of administering relief to those who were able to work, *without exacting labor in return*, was pregnant with ruinous evil, as well to the morals of the paupers, as to the resources of the country; and these objections extended, as I conceive, though ~~not in the same degree~~, to relief in food, clothing, and other necessities, as well as to relief in money. But while all the Committee felt this conviction, some of its Members, to whose opinions the greatest weight is given by high station, powerful talents, and long experience, expressed alarming doubts of the practicability of a remedy in the existing state of the country. They admitted that the remedy would have been *Employment*; but said that unluckily it could not, in the present crisis, be found; or

if found, would now only aggravate the distresses it was intended to cure.

This objection was grounded on the *supposed applicability* of one of the most obvious principles of political oeconomy, and indeed of common sense. It was said, "The labor-market is already overloaded: the corn-market is already overloaded: the supply exceeds the demand: the industrious labourer cannot find work: the farmer cannot obtain a remunerating price for his corn: the manufacturer cannot find a sale for the goods which he already has in store. Hence come the sufferings we are called to counteract. Hence rents are unpaid: the trader is become a bankrupt: and the poor-rates are trebled at a moment that the means to pay them are almost extinguished. The remedy proposed therefore is not a remedy—but the evil itself!"

SUBJECT PROPOSED.

It will be the business of these pages to endeavour to shew the fallacy of these assertions, by arguments which will be aimed to prove, that *the principle of demand and supply*, does not attach itself to the growth of the soil, in the same way as it does to artificial productions, the work of man's hands.

In doing this, it will be necessary to trace up the subject of *National Wealth* to its very elements; and to involve considerations connected with all the main springs of National power and prosperity; which, if all their ramifications were pursued, would expand themselves into volumes. But as the time and urgency of the occasion require that I should confine myself within the briefest limits, I shall refrain from saying one word more, at present, than is necessary as an Answer to the immediate question before the Committee.

I mean to argue, that additional labour would not

injure those already employed ; that additional corn would not add to the distress of the farmer ; but, on the contrary, that both these additions would not only benefit, rather than injure themselves, but relieve the distress of the manufacturer.

If I shall prove these things, I shall shew an easy remedy to the present system of administering relief ; and at the same time a mode of restoring the morals of the lower orders ; of diminishing, if not nearly extinguishing, the parish rates ; of reviving and augmenting the national wealth ; and of making the Poor, who are now exhausting the stores of the Rich, a prolific stock of growing prosperity, instead of a rapacious cankerworm on the vitals of the State.

ARGUMENTS.

In the case of the produce of the soil, the means of Demand increase with the increase of Supply. If you take corn for wealth, (which no one will deny it to be,) who will refuse to admit the consequence in that shape ? No one will argue, that the price of corn, and the funds to employ the Poor, will not increase as the wealth of the country increases.

Such at least is the fact, whatever may be the reason.

But the following seems to me to be the distinction by which agricultural produce is taken out of the operation of the principle of supply and demand. Wherever that principle operates, the articles, by the proportions of which to each other the money-price is regulated, are parts of the same given whole, of which as one part increases, the other must diminish. But the corn of any year is a whole, of which the manufactured articles, together with the labour and other costs of production, are the parts in their converted state : in which case, the parts proportionally increase

with reference to that whole, though they may vary with regard to each other. Now as the surplus of corn in the hands of the farmer and land-owner is exchangeable for the manufactured article, or its representative in money, it will follow that, as more corn is grown, there will be a proportional augmentation of equivalent to give in exchange.

Here, then, seems to be the whole secret. Additional labour will more than repay itself by additional corn; of which the additional surplus will subsist additional manufacturers while producing increased articles of their trade: and these will come back in added demand for the next produce of the soil: and so on in a reciprocity of increased means.

If this reasoning be just, it will account for some phenomena in the state of this country, from about 1797 to 1812, compared with that of the period since elapsed, which have appeared surprising to many, who have judged of them by a theory (in my opinion at least) very erroneous.

From 1797 to 1812, we saw our domestic agriculture rapidly and stupendously extended; we saw enclosures every where take place; the barren heath smile with

¹ This may seem contrary to the fact, inasmuch as we see a large crop always cause a reduction in the market price. But this is (as I contend) a mere temporary effect, before the process of *conversion* has taken place; so that we must take an average of two or three years; in which case, I doubt not that increase of produce would bring with it an augmentation of price. See *Additional Note*, p. 159.

² All this, it may be said, requires capital, as the machinery of exchange. But as the wealth itself exists, or is in the rapid course of conversion, the circulating medium will not long be wanting to aid the process. The distress for this article in the last three years, which so much aggravated the difficulty, and was the mingled cause and effect of it, arose from an extraordinary combination of peculiar circumstances: three years of defective home crop; a temporary inundation of foreign corn; alarm; and the sudden and great diminution of the paper of the country banks. But as far as the farmer is concerned, it is quite clear, that the sums which he can find for the poor-rate, he can find for paying extra labourers.

corn; and new capital and astonishing increase of skill applied to increase the produce of the old arable. The additional supply to the corn market by these means can hardly be calculated. At the same time importations four-fold beyond those of former times were admitted. During all this prosperous period, so little did increase of supply depress demand, that prices continued, with small variations, to rise—the average of every three or five years exceeding that of the period immediately preceding it! On the contrary, from the harvest of 1813, the price, till within these few months, has been falling lower and lower; while three bad crops, a languid and decreased cultivation, thousands of acres returned into pasture, and an almost total cessation of inclosures, have reduced the produce perhaps a third; and while the foreign importations, to which the ports for part of the time were shut, have not during the same period been equal to half their former amount.

A large and intelligent Miller connected with many of those who carry on the greatest business in that way, in the South of England, and always in communication with them all, about a year ago was asked his opinion on the subject of prices, by one who observed to him, that the great decrease in the crops and stock in hand must necessarily (as he conceived) soon bring about a great advance in the market. He answered, "I know not how it happens, and I have observed it with some surprise; but the fact certainly turns out to be, that the less we grow, and the less we bring to market, the less we find a demand for it. The very powers and habits of consumption seem to be on the wane; and decrease still faster than the supply decreases."

This conversation was repeated to me as paradoxical; but, according to the reason which has occurred to my

mind, the effect has been just such as might have been expected. The farmer having less corn to bring to market, had less means to procure the commodity of the manufacturer, who in return, not being able to procure a due quantity of food by the exchange of his commodity, wanted the means of support to carry him through future work, and consequently was in the next year without goods to make the necessary exchange with the farmer. Hence, a large portion of the population were gradually driven to hard and scanty food; and much of that little supplied by a forced contribution *in the shape of a poor-rate*, from the farmer, from whose diminished stock this additional subtraction was wrung, still decreasing in a most alarming manner his means of reproduction. In this way it is easy to perceive by what rapid strides the evil has a tendency to generate itself.

Thus it is that the present administration of the Poor Laws appears to form a main ingredient in this evil; while this view of it is so far consolatory, that it shews the *supposed* difficulties in the way of their amendment, are so opposite to difficulties, that they would ameliorate the condition of the Poor, and add to the wealth and happiness of all the other orders of society.

That the causes of the diminution of the agricultural produce, to which I attribute the origin of our present state of distress were the Poor Laws, is far from my opinion. It was too sudden to have sprung from a system which had been so long in operation. I rather refer it to natural causes: to the crops of 1813 and 1814, which created an alarm through the operation of a false philosophy. The abundant harvest of 1813, making a momentary overflow in the market, which if left alone would soon have righted itself, was followed in November by the defeat of Bonaparte at Moscow. From that eventful circumstance Peace was generally and

confidently anticipated. Peace, in the minds of the people, would necessarily bring with it a great reduction in the price of corn ;¹ which opinion was strongly confirmed by the accidental coincidence in the price of the markets of the day. Then came the failure of the Corn Bill in the subsequent spring, followed by a most scanty harvest at home, and immense import from abroad.—This decided the matter : the substance of the farmers rapidly diminished ; and their credit, on which much of the paper circulation of country bankers was kept in action, diminishing still faster, that paper vanished with it ; till the want of funds paralyzed cultivation, and the consequent decrease of food taking away the subsistence of labour, all that complicated distress, which is now experienced, has been brought about.

To remedy this evil, we must boldly and strenuously endeavour to retread our steps. We must make the Poor, by a wise application of their labours, not only create the funds of their own subsistence, but add to the wealth of the rest of society. They must be made the regenerators, and not the destroyers, of the treasures of their country ; a blessing, not a burden ; a glory, not a disgrace. We must do that, which will equally restore their moral and physical happiness ; that, which, while it will supply them with a sufficiency of food and bodily comforts, will in the same degree ameliorate their morals, and their hearts.

The practicability of this seems simple and obvious, as long as there is an acre of ground uncultivated ; or an acre of that, which is cultivated, capable of improvement. In every agricultural parish,² add as many able-bodied paupers, as are out of employ, to the farm-work of the parish in such way as will best repay toil ; dividing them among the farmers so as to make up the number to each farmer

¹ See Note, p. 154.

² See Plans, p. 150.

together with those which he shall voluntarily employ, equal to a proportionate addition to the average number which he shall have employed in the last three years precedent to this enactment; such number to be calculated by the Overseer, and, if disputed, to be determined on appeal by two Magistrates. In certain peculiar cases, relief to be given by Magistrates' orders; and if no other farmer is willing to take such labourer, the overseer to employ him on highways and public works. The farmer to pay the full average wages of day-labour; but one fifth of the wages of such day-labourer, so employed through the parish, to be paid to the overseer, toward the support of the old and impotent.

It cannot plausibly be objected to this, that it would add to the burdens on the farmer; who at least in an equal proportion to the increased expenditure in wages would be released from poor-rates, which are a dead loss, while the cost of wages would be returned to him in increased produce; and probably with a large profit, inasmuch as the labour of almost every man used to husbandry work, can produce more food from the soil than is equal to his wages. Nor does the good consequence end here: the surplus, which goes to the market, supports some manufacturer in the operation of his handicraft, who in return produces an additional commodity to exchange for the increasing crop of the following year, and thus continues to multiply the means of demand with the augmentation of supply.

It is because the Poor Laws, as lately administered, have acted on a principle opposite to this, that they have already

See Notes, p. 35.

To assume that an increase of population is at all events good, is absurd. If it is on the balance a *consuming* population, it is an evil; if it is on the balance a *producing* population, it is a good. But the population generated by the Poor Laws, as at present administered, is the former.

caused such a vast deterioration of the property of the country ; and that, if persevered in much longer, they will absolutely swallow it up. It is not because they consume so large a portion of the food of the country ; but because they pay no equivalent in labour or money for what they consume, and therefore destroy the sources of reproduction.

Let us consider in how many complicated ways this evil operates on the State ; and on the contrary, in how many complicated ways the proposed remedy will work good !

During the long continuance of war, we saw, till the sudden palsy which was given to agriculture by the unlucky combination of circumstances already mentioned, that, although the taxes were gigantically increased, the country still continued to rise in almost every species of prosperity, landed, manufacturing, and commercial ; and to move with added vigour under the growing weight. When we reflect what is the real source of taxation, and how it operated at this crisis in conjunction with other circumstances, our surprise will perhaps be allayed.

Every tax is, I conceive, at least in its elements, a portion of the produce of the soil paid for the uses of the State. Just in the proportion taken, is the share of the landlord and occupier diminished, so long as the produce remains the same. But that which is so taken, being again expended by Government, either in subsistence for armies and navies, or in the various manufactured articles connected with their equipment, adds a stimulus to industry, carves out employment more rapidly, and generates a circulating medium more expeditiously and effectually than if it had passed through the coffers of private property ; and thus comes back with keener demand upon the agriculturist, and draws from him improved culture, and larger crops in return for higher prices.¹ Nothing less than this can account

¹ See *Note*, p. 35.

for the apparent, and, I believe, indisputable fact, that during this flourishing period both the farmer and his landlord grew in wealth.'

These acted in counteraction to the increasing burdens. If the supply should increase, and the burden remain fixed, of course the increase of prosperity and wealth would be still more rapid. This, I contend, will be the effect of peace, well managed.*

But were it true, that in the balance of gain and loss on this occasion, the scale turned against the landlord and farmer, still the wealth of the country increased. What was paid to Government was not lost; but added to the riches of another class of proprietors, more than it took from the land-owners: and therefore, though it should in some degree have tended to make property change hands, would have left the total treasures of the country enlarged in their amount.¹

If such were the modes by which such a perilous expenditure was carried on, without exhausting the resources of the country, the danger of an opposite line of conduct

¹ If these things were not sufficient to counteract the burden, there is one additional circumstance which may have had its weight. A large portion of the land of the country may be supposed to have been more or less incumbered; and a large portion of the farmer's capital was borrowed: while produce and rent increased, these remained the same in their annual charge.

² See *Notes and Illustrations*, p. 29.

³ What can writers and orators mean when they say that taxation has annihilated the wealth of the country? Do they mean, that it does not exist? Or do they mean that it has got into the coffers of Government? Or do they mean only, that it has changed hands? Not even the last of these assertions is true: the two first are false *in toto*.

must strike at the foundation not only of our prosperity, but of our existence. Yet the abuses of the present application of the Poor Laws clearly operate in this opposite way, and are so extensive as to threaten this degree of danger.

It might be difficult to assign the causes of a mistake so critical in point of time, and so much in defiance of the circumstances which might have pointed out its mischiefs. Has it been misconception of political reasonings? Has it been blind chance? Has it been great and sudden pressure which paralyzed exertion, and produced motionless acquiescence, instead of struggles to counteract? Has it been an unenlightened philanthropy, defeating its charitable zeal by its ignorance? Whichever be the cause, it is time for the wisdom of a superintending Legislature to interfere.*

At the very moment when the deficiency of crops rendered it difficult to find food, in return for which the labour that would repair the loss by the growth of a future year might be procured, a large portion of this stock was extorted under the name of *Poor-rates*, to feed persons of this class, from whom no labour was exacted in return. Can the accelerated march of the distress under this system be matter of wonder? Could any system have been suggested so effectual in aiding its progress?

It is thus that the disorder has spread, in redoubling paces, from the peasant to the manufacturer; for it is certain that the prosperity of manufactures¹ depends on the prosperity of agriculture,² and that whatever decreases the supplies of the last must equally affect the sources of the other: which, it must be equally admitted, throws back again its own prosperity on the soil whence it sprung.

This appears to me to be the nature of the disease which,

* See Note, p. 36.

² See Note, p. 33.

³ See Note, p. 32.

we are called upon to alleviate, and if possible to eradicate. If I am right in my exposition of its character, the remedy will be as simple, easy, and practicable, as it will be effective. It is contained in one important word, **EMPLOYMENT**, which I have endeavoured to prove to be in no degree liable to the objections hitherto supposed to attach to it.

I agree, that unproductive employment, such as a noble Lord suggested, is better than idleness; because it at least preserves the morals of the pauper: but as it leaves the other part of the evil, that which regards the wealth of the country, in its full force, it is still objectionable: and I contend that there is not the smallest occasion for it, because *it is still easier to find productive, than unproductive employment.**

CONCLUSION.

Such are the Arguments and Suggestions which I have felt it my duty to communicate on the present occasion.

By these I have endeavoured to establish, That productive Labour for the Poor can never be wanting in a country, so long as an acre of its land remains to be cultivated, if the application of that labour be duly regulated by the Government:

1. Because, in proportion to the numbers employed in agriculture, will be the supply of Corn; and in proportion to the supply of Corn, will be not only the increase in the quantity and value of the articles to be given in exchange, but, for the same reason, in proportion to such supply of corn, will be the increase in the number of hands required for manufactures, and in the means of subsisting and paying them:

* See Note, p. 35.

2. Because a wise and enlightened State will easily create or foster, by a due addition to *the Currency*, the anticipating capital, which may be required to set labour in motion, and keep it in activity till a return can be made.

If so, adequate fields of Employment for the Poor are objects as practicable as they will be beneficial, and will at once generate the means of their future subsistence, and revive the withered seeds of their best moral qualities.

I have appended certain practical hints for carrying these ideas into execution, and a few *Notes and Illustrations*, in which I have endeavoured to explain a little more fully some of the opinions briefly expressed in the foregoing arguments.

April 8, 1817.

PLANS.

PLANS SUGGESTED IN CONFORMITY TO THE FOREGOING PRINCIPLES.

I.—MODES OF EMPLOYMENT.

1. *Cottages, and small Portions of Land.*

THE advantages of this proposal seem generally felt. Above half a million, viz. 1 per cent. by way of loan, charged on the rental would effectuate this purpose in building cottages, purchasing the land, and finding the little capital necessary for the cottager's profitable occupation: in which case, the rent and interest paid by the cottager might not only repay the interest of the loan, but in four years redeem the principal. This would be equally conducive to the morals and comforts of the poor, and the relief of the poor-rates;

¹ See *Note*, p. 38.

and might, after a little while, produce an annual saving of three fourths of a million.

2. Additional Labour applied to Agriculture. See p. 16.

Each farmer to be compellable to find agricultural work for the unemployed husbandmen of his parish, in proportional addition to the average labour employed on his farm for the last three years, at full wages; four-fifths to be paid to the labourer, and one-fifth to the overseer towards the fund for the old and impotent poor. Carpenters, bricklayers, shoemakers, blacksmiths, &c. (if incapable of husbandry work) to be employed by Overseers, when wanting employ, in their respective trades, and paid according to the work done; one fifth to go to the parish fund. Parish cottages could find tasks for all but the shoemaker, who might supply shoes for the old and impotent poor.

II.—RELIEF TO THE RATES.

3. Additional Funds from Contributions out of Wages.

Although, speaking generally, every person not old and impotent, can, if industrious, gain enough for his own support, this must be taken to be only from the average produce of his labour. Accidents, sicknesses, calamities, seasons, and other fluctuations, may require the surplus of one period to be economized for the deficiencies of another.

Various modes of effecting this purpose may be suggested: but that which is simplest and most practical is, of course, the most desirable. Mr. Curwen points out a plan, which seems to me to be only objectionable in not going far enough. I would have it universally compulsory. The Heads of the Bill from Birmingham, printed in 1796, and now reprinted among the Minutes of Evidence of the present Committee, form a document, which is liable to the same objection, but which affords a variety of very useful details in aid of a legislative enactment on this subject.

I venture merely to throw out the following hints for consideration, not unaware, that among other doubts regarding them, their complexity may be deemed too formidable for adoption.

Every person receiving daily or weekly pay or hire for his or her labour, or wages for his or her service, whether weekly, monthly, quarterly, or at any longer periods, shall pay out of the same one (say one-thirtieth) part to the following purposes:

1. One-third thereof to the general fund of the parish rates, for the support of the poor.

2. One other third to a *General* Parochial Saving Bank, for the use of the contributors, in cases of sickness, age, &c. in such proportions as the funds will allow, in addition to the poor-rates.

3. One other third to an *Individual* Parochial Saving Bank, from which each contributor may draw out his individual savings, with the accumulated interest, in cases of accident, sickness, age, &c.; the surplus to go to his family at his death. To this *Individual* Saving Bank, every Contributor may add such additional sums as he chooses; which additions may be drawn for at the will of the depositors.

4. *Mode suggested for the more secure Collection of these Contributions.*

Let every person paying wages be authorized to pay such *thirtieth*, or other part, into the hands of the Overseer (or Treasurer) of the parish, where the receiving labourer or servant is resident, and take a printed receipt, according to a settled form, from such Overseer (or Treasurer), with a duplicate thereof, which shall pass as so much in discharge of the wages due to the person receiving, who shall carry such duplicates to the *Managing* Overseer (the office of such *Manager* to be made distinct from that of the Overseer who shall be *Treasurer*), both parts to be by him countersigned, one part to be delivered back to the contributor, and the other to be filed, and entered in the parish books.

Any employer, who shall pay such wages without such deduction, to be liable, on proof thereof, to repay such sum as a contribution to the parish, to which the same ought to have been paid: and every labourer or servant receiving such contributory portion, to be de-

prived of the benefit of the parish funds, and to be liable to be sent to the House of Correction, on complaint before two Magistrates.

The contributions of those who shall not have a settlement in the parish wherein they reside, to be kept separate from those of the parishioners; and none to be removeable on account of any charge, till the second and third portions of their contributions shall be exhausted. A yearly account of the sums of each contribution, verified on oath, to be transmitted to the Overseers of the parish where such settlements are supposed to be; which, whenever they shall disprove any such settlement, they must transmit to the parish where the settlement turns out to be. When the pauper is removed, his share of contribution to be paid over to the parish to which he is removed.

5. Contributions in aid.

Every head of a family, or employer, to pay sixpence per head per week for himself, and for every member of his or her family, above the age of eighteen, and living under his or her roof, and for every labourer or servant, male or female, in his or her employ, to the parish where his or her principal residence is; deducting therefrom, such sums as shall be equal to the amount of any assessment paid to the poor-rates for any lands or houses, or other property rateable to the poor; so that where such property is let on lease, the same does not exceed the sum paid for such assessment in the year when such lease was granted; any excess thereof to be deducted from the contribution of the tenant. A certificate of such payment to be exhibited under the hands of the Overseer of the parish or parishes where the property lies.

III.—ADMINISTRATION OF FUNDS.

6. Parish Loans.

Power may be given to make loans out of the parish funds under certain limitations, with due provision for enforcing repayment. Wages or money due, may be stopped in the hands of the employer or master; and borrowers leaving their parish without due notice

¹ See Note, p. 36.

of the employ into which they go, may be punished for a fraud, and sent to the House of Correction.

7. *Overseers.*

A third Overseer to be added by way of *Manager*, and to have a *salary*, not exceeding . . . Small parishes may unite in employing one *Manager*, who is to keep accounts of disbursements, &c. One of the other Overseers to be *Treasurer*, and to grant receipts for contributions.

IV.—ENLARGED FUNCTIONS.

8. *Surveyor of the Highways.*

This office to be united with that of Overseer.

APPENDIX.

NOTES AND ILLUSTRATIONS.

1. *On the comparative Effects of War and Peace on the National Wealth. See p. 19.*

The following assumptions being attempted in the foregoing pages to be confuted, viz.

1. *That war, compared with peace, tends permanently to increase demand ;*
2. *That it raises the price of corn ;*
3. *That it fosters our home manufactures ;*

4. *That it adds to the employment of the poor ;*

5. *That it stimulates our foreign trade ;*

It may be necessary to enlarge a little more on them in these Notes, than was consistent in the text with the proportion due to the main point to be established.

It may be admitted, that war gives more rapid motion to the capital of the country ; and perhaps adds to the quantity, as well as to the activity of that already existing. So far it adds to the produce : but the permanent gain of this addition, by much of it being absolutely consumed in its first stage of *conversion*, instead of being kept in existence in a progression of new shapes, as is the case when used in productive labour, must be denied. The same objection applies to the Poor-rates, when supporting paupers in idleness ; and in a still greater degree, because not accompanied with the same counteractions.

As to the gains of our foreign trade, of which so much boast is heard, as the consequence of war ; such gains may be true as far as concerns individuals, or one class of society, but seem utterly false, as far as regards the national wealth : for much has gone in the shape of subsidies to other States, for which no return has been made ; or in payment for the subsistence of our troops abroad, which, if it had gone in payment for subsistence derived from our own soil, would have remained with us as an addition to the national stock. Add to these, losses by exports unpaid for, such as those to South America, about 1810.

It is easy to comprehend how the change from war to peace may for a *short time* produce not only the appearance of poverty, but poverty itself. A twentieth perhaps of the whole population being dismissed from the army and navy, in which services Government paid for their food, are, till they can find employment, without the means to purchase that produce of the soil, which, when left on the farmer's hands, rapidly lessens his power as well to carry on his accustomed cultivation, as to keep up his former demand for the stock of the manufacturer, whose means therefore reciprocally fall off with those of the farmer, each reacting on the other.

Then it is that the resort to the Poor-rate becomes necessary to save this distressed population from famine : and it depends on the

wise or erroneous administration of that Poor-rate, whether it cures or ruinously aggravates the evil. If it exerts itself to remedy the deranged machinery of exchange - *to find bread and clothing in return for employment*, and to supply the short interval between consumption and production, the *remedy will be simple, quick and effectual*. If, on the contrary, food and necessaries are furnished, for which the return of labour is not required, that which is offered as a cure is a powerful addition to the very essence of the disease. The farmer, who is already languishing because his stock is kept in his own granary for want of a remunerating price, is then called upon to give it up as a forced contribution in the shape of a Poor-rate, without any price or remuneration at all.

Some of these temporary evils are incident to every change from war to peace. But some of them, sufficient to account for the unprecedented distress of the present period, are probably the result of a combination of accidental cooperations. The system of paper money had during the late war perhaps been increased four-fold: and half of that arose from the issue of country banks. On the whole I believe such a system to have been beneficial. But it cannot be denied that there are some dangers to which it is especially, and beyond others, liable. I mean, alarm and discredit, whether well-founded, or ill-founded. This very misfortune the harvests of 1813 and 1814, with the excess of importation in the latter year, and the fears confirmed by the failure of the first Corn Bill, had already brought upon the circulation, when the peace was concluded. The vast diminution which succeeded in the scale of government expenditure, the superior credit of their bills, the greater punctuality attaching to their engagements, of course left a vacuum in the circulation, and a languor in its movements, unpropitious to production: and when these came upon that which was already diseased and enfeebled, the present height of the disorder is perceptibly the effect of accidental mischances, which, if properly treated, will cease with the occasion.

But I do not hesitate to express my conviction that all depends on proper treatment. If we trifle with the disorder; if we mistake its causes; if we apply medicines which will inflame the morbid parts, our sufferings may be greatly augmented, and even dissolution itself ensue.

How then does war produce demand and invigorate trade?

It buys corn and other articles to consume them; and thus annihilates the means of reproduction.

It gives vigorous impulse to circulation: but of what substantial and permanent value is that circulation, unless it adds to durable and solid wealth? if it only draws forth produce, to be immediately again destroyed?

Then why does distress follow a change?

Because capital does not immediately change hands: because means of demand in new channels do not immediately spring up; because new kinds of supply are not suddenly forthcoming: because desires long suppressed by necessity do not at once seek for full gratification!

If the army and navy consisted of half a million unproductive consumers, these when turned adrift must either live by production, or live on the Poor-rates. If by the former, reflect how their consumption must re-operate on demand, compared with their occupation in war!

2. Foreign Corn. See p. 21.

The wealth of a country may arise from two sources: from the growth of its land, and from the value of the produce of human toil and humaningenuity, while subsisted by that growth of the land. The first constitutes by far the largest portion of the real value: for the other is for the most part a mere *conversion* of the fruits of the earth, which must be deducted from it, before the profit, which is its true value, can take place.

If this be correct, it will shew at once the fatal policy of carrying on home manufactures by subsistence derived from foreign corn: by which we should not only give up the combined profits of the land-owner, the farmer, and the manufacturer, for the sake of the profits of the manufacturer alone; a whole for a part; but for that which is incalculably the smallest part: the main profit would lie with the foreign country, which grew the corn; to which article of exchange, the powers of vegetation would give a large portion of its existence, unbought, and independent of the cost of man's labour.

But this is not all. Small as the comparative gains in a national point of view would be, that little could not last long. By drying up the sources of domestic reproduction, the home growth would yearly diminish, till at no distant date that plenty of foreign supply which made corn at first cheap, would cease; and the only advantage even alleged to counterbalance the evils of that system, would be extinguished.

There is another consideration, which furnishes a powerful argument to prove the ruinous effects of such a system to the State. Why is foreign corn cheaper? Because it is grown in a country where taxation is not so heavy? If so, so much fund for production of revenue must be annihilated, by which the revenue must fail to that extent, or fall proportionally heavier on the remaining wealth of the country: or that taxation must fall on the manufactured article; and thus the only pretext for cheap corn, the securing a foreign vent for the manufacture by its cheapness, be taken away.

There is yet one more evil behind in the dependence caused by a reliance on foreign corn. We may be at the mercy of wars, and of the caprices of Governments over which we have no control.

3. *Foreign Trade.* See p. 21.

However strongly I am persuaded that foreign trade ought not to be put in competition with domestic, I by no means think it of light value. I only wish that it should not take place of that which ought to be its basis. It is with the superfluities of this last that it ought to be carried on. The fear of this, the fear of the inability of a rich country to carry on exchanges with those which are poor, seems to me quite chimerical. The power of capital and machinery, and skill to produce cheap articles in defiance of high wages, and heavy taxes, is proved by experience as well as theory: and therefore is calculated to secure us our foreign trade the more effectually, the richer we grow.

I am well aware that this foreign trade is necessary, not merely as a medium of direct wealth; but to support our navy, and for a

thousand political, as well as commercial purposes. But the arguments by which the merchant too often supports this trade, are mere grounds of individual interest, by which he confounds that profit which is only a gain to himself at the expence of some other members of the same community, with that which is an addition to the national wealth.

4. *High Price of Corn. See p. 11.*

As to the price of corn : price may for a little while be affected by the proportion between supply and demand, in corn, as well as in other things : but with this special circumstance attending corn, that increase of supply brings after it, in no long time, an increase of demand : the extent of which increase of demand may indeed depend on the mode in which the increased supply is consumed or economized. It may be true therefore, that, as supply must precede demand, a sudden increase of the former, before the process by which it is converted into the means of demand has had time to take place, may, for a short space, lower prices : but will be soon followed by a rise equal to the addition of supply ; and if the *conversion* has been skilfully and wisely applied, to a degree as much beyond it as is equal to the gain of the *conversion*. It is precisely on these grounds that the present system of administering the Poor Laws tends to annihilate the wealth of the country. It at once frightfully lessens production, and frightfully wastes what is produced by a pernicious mode of consumption ; destroying with it the very sources of resuscitation, instead of directing it into channels which would make an adequate return in the shape of labour.

5. *Cheap Corn. See p. 19.*

The people cry out for cheap corn. As much cheapness as is consistent with the means of reproduction, is unquestionably desirable for them ; viz. a liberal portion for their share in return for the labour given. But, for the reasons above given, this is best effected by average rises, as abundant supply and active demand have an indissoluble connection of movement.

6. *Is Cultivation of poor Lands a Cause of high Price?**See pp. 17. and 22.*

Mr. Malthus says, that corn must bear the price which will remunerate for tilling poor lands: or those poor lands will be driven out of cultivation. But is there any land, which, in a country where there is an excess of unemployed population, will not pay the costs of cultivation? That is, cannot a husbandry-labourer, from such a piece of waste soil as his labours can cover, produce food enough for his own subsistence, with such an excess, as will exchange for that clothing and those tools which are necessary for carrying on his work? This will entirely depend on the existing wants, combined with the existing means, of the society in which he lives. The richer and more populous this society, the more likely will be the combination of wants and means to give the labourer what he requires in exchange.

Undoubtedly the best land will make the most profitable returns: and as long as better land remains untilld in a country, it will be a comparative loss to till worse: but to till the worst lands will save the whole cost of supporting able-bodied paupers in idleness out of the poor-rates: and will have the effect, as I conceive, of bringing up the price of agricultural produce to be equal to such a repayment. But it is probable that the preference of cultivating the better soils thus neglected, would have the effect of raising prices both higher and more quickly.

It may be said, where is the capital to support the labouring pauper through the year till his crop makes a return? Suppose a portion of the poor-rates was so applied on loan for one, two, or three years! If not sufficient, suppose Government advanced money on the security of the parish!

But the truth is, that if you force the farmers to expend their rate in labour, they, as well as the paupers, will soon find their advantage in it, and but little aid in such loans will be required. The moment you drive the labourer to be independent, his moral energies will return, and he will save for himself and his family.

The necessity of independence also will bring wages up to their proper level, which the resort to the poor-rates has reduced far below their due mark.

7. Settlements. See p. 154.

Nothing can be more unjust than the present operation of this law, which imposes the burden without reference to the ability, inasmuch as the ability must depend on the resident population of a parish capable of finding employment; while the settlement-law, which still leaves a pauper chargeable after want of employment has driven him from a given parish, quite destroys this equilibrium.

The new plan would restore this by making the funds applicable where the burden falls: and would have the wished-for effect of facilitating settlements, by making the parishes where the pauper is resident, in many cases, desirous of keeping him; and for this end, of giving him a settlement.

8. Effects of the Diminution of the Currency. See p. 148.

The height to which the present distresses have arisen, may be attributed to unpropitious circumstances acting upon currency, in addition to the cessation of Government expenditure, by the termination of war.

It ought to have been the policy of the State to have endeavoured to counteract the latter; and very far more urgent was the necessity of attempting to alleviate the combined operation of the two.

Unfortunately, a fatal error seems to have prevailed on this portentous subject. A strange infatuation appears to have been generally entertained, that a large paper circulation was fallacious, dangerous, and even big with ruin: and this was the period chosen to reduce it within limits supposed to be more safe. I should feel almost inclined to indulge some expressions of indignant scorn on this, which I consider an almost unpardonable mistake, did I not deem it unbecoming that temperate pursuit of truth, by which a Committee of this House is always characterized. Of what value any currency, whether of metal or paper, is, but for the purpose of creating, drawing forth, converting, and exchanging, in the best, least expensive, and quickest manner, the greatest possible quantity

of wealth of a country, I am at a loss to guess ! If the greater the quantity of paper circulation, the more is the subsistence created, the more is the labour put in motion, the greater is the accumulation of human workmanship ; then, surely, if addition of wealth be addition of strength and happiness, the more the paper currency the better ; the greater our means of intercourse with other nations ; and if bullion be so supereminently desirable, the greater the command of that mighty and exclusive nostrum of all power, prosperity, and grandeur, *bullion itself*.

It must be admitted, that as the wealth of a country increases, that device which is intended to represent it in exchanges, ought proportionally to increase, either numerically, or in power. I suspect that, during the whole period of the war, it did not numerically increase, in proportion to the increase of wealth of this empire ; but perhaps, by the accelerated motion derived from confidence and skill, it did in power keep more than equal pace with the increase of wealth, till the close of the harvest of 1813. From that lamentable commencement of our unexampled distresses, the currency decreased, perhaps, one half ; and its action decreased, probably, in treble proportion to its decreased quantity. Then came all the evils inherent in the system of the Poor Laws, to aggravate, even to the verge of ruin, the sufferings and perils of this grievous crisis : to weigh heavier on that which was already too burdensome to endure : to extort a large portion of the remnant from the already half-exhausted stock ; and nearly to dry up and extinguish the sources of reproduction ! That which ought to have been made an instrument of revulsion to the decaying stock and decaying credit of the nation, was thrown into the scale of its destruction, as if to make it descend still more rapidly !

Our recovery depends but on one simple plan—to make a renewal of EMPLOYMENT bring back CURRENCY : and in return, or rather by a simultaneous motion, a renewal of CURRENCY bring back EMPLOYMENT.

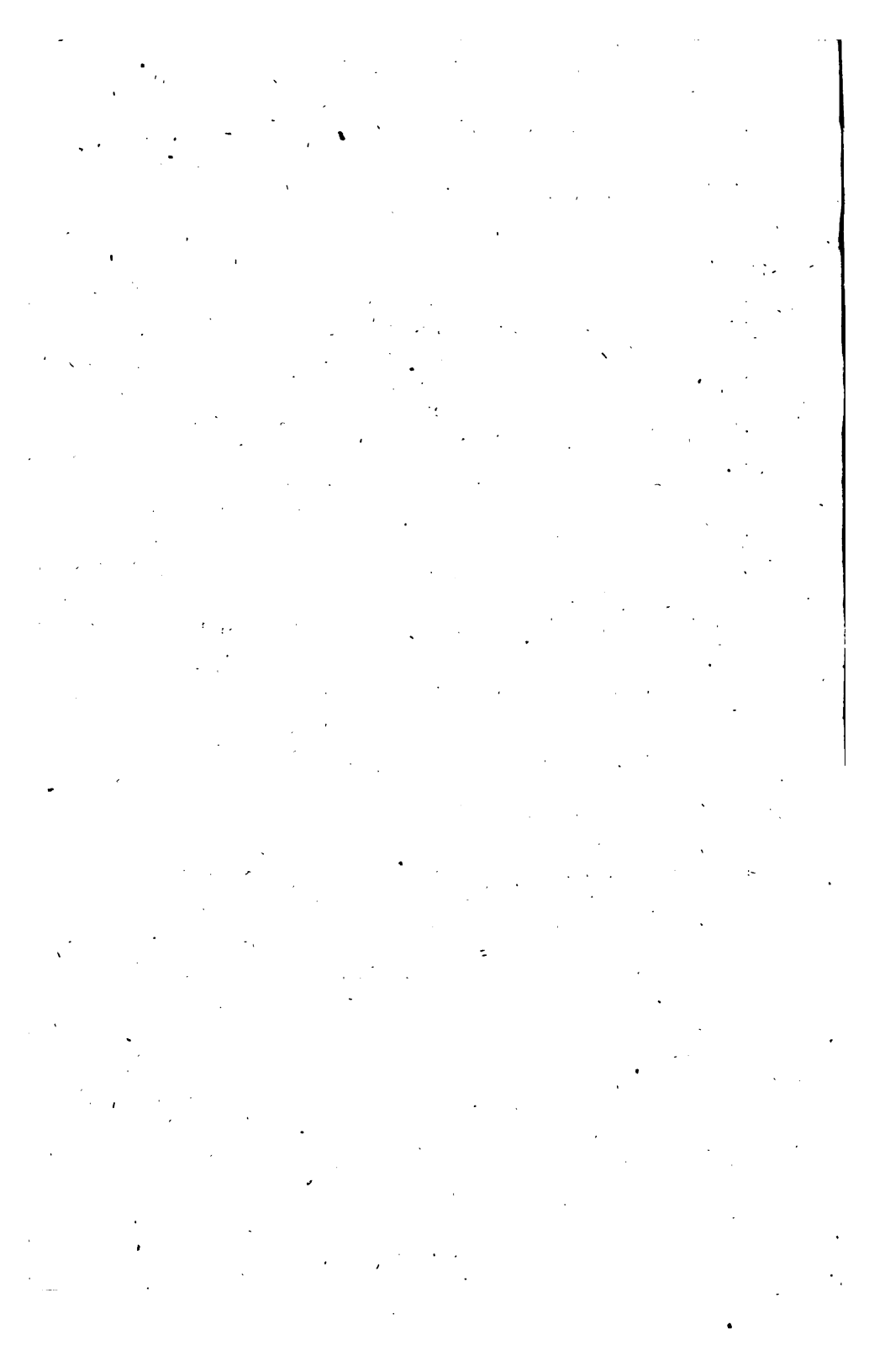
Nothing less than a firm and fearless application of both these medicines will, I suspect, recover the State from its present alarming, and almost vital disease. I may add, that it is as necessary to the cause of the revenue as of the Poor : their prosperity is inseparable, and must rise and fall together !

9. *On the supposed Evils of a depreciated Currency to our Foreign Trade. See p. 150.*

The charge, that paper currency has a tendency to diminish the foreign vent for our manufactures, by raising the price of labour, and thus raising the price of the commodity, seems to me quite unfounded. Let us see how it operates. If it raises prices, it certainly stimulates the increase of the manufacture to a very great extent, by facilitating the exchange between food and labour; and thus continues to add, in a multiplying ratio, to the positive wealth of the country.

Suppose a scanty, or impeded circulation, in which a labourer finds employ three days in a week, at a subsistence of a loaf and half of bread a day;—and that he is supported in idleness the other four days at a similar expenditure: the total cost is ten loaves and a half;—then suppose him, by a more plentiful circulation, employed six days, at two loaves a day; the cost is fourteen loaves. This is little more than an addition of *a third*; while the additional gain in labour is *double*.

Now so far as the exchanges with foreign countries are in goods, this is in no degree counteracted by a depreciated currency at home; so far as it is a balance in money, it is at any rate a payment for a clear gain to the country, and the gain in quantity from the additional motion of human labour, caused by the impulse of liberal circulation, must be far greater than could arise from an undepreciated currency received in payment for a much smaller quantity of goods.



U S U R Y
EXPLAINED;
OR
CONSCIENCE QUIETED IN THE CASE
OF
PUTTING OUT MONY AT INTEREST.

BY PHILOPENES.

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THE
P R I N T E R
TO THE
COURTEOUS READER.

GENTLE Reader, in compliance with my calling, I present thee with a small Treatise, upon the Case of Putting out Mony at Use, the subject is of a publick concern, and the Press is ordered to the publick good. Written papers, are like spirits, appear to some, and not to others, and often prove illusions. The publick eye is the quickest and the surest in discerning good, from evil.

The Author who writ, what I now print, is no farther known to me, than by the name of *Philopenes*, a lover of poverty, or a friend of the poor. If he be, what his name implies, the fitter he is, to discourse impartially a point, in which reason alone can concern him; I hope he will not take it in evil part, that I set forth for some small advantage, what for more than a year, has past through several hands; that were to blame his own judgment, in letting it be seen by so many, or to give suspicion of some dark design: by avoiding the publick.

If what he writes be true, 'tis one of those truths, which ought not to be concealed, nor hidden under the bushel; that were envious. If erroneous, not to secure error by discovery, that were uncharitable. If he fears truth may displease some, he might as well desire to put out all light, as offensive to weaker sights, unuseful to the blind, and unacceptable to such, as wilfully shut their eyes.

The book is but short, well if it be clear; short as it is, Divines, Lawyers, and all concerned in Mony; may find in it somewhat for their turns. Be it what it will, take it for what it is: the print is only mine, and may be thine, too at a small charge, *Farewell*.

PART I.

AS TO THE LAW OF NATURE.

CHAP. I.

The case considered as to the Nature of Money.

ARISTOTLE defining liberality, to be a vertue moderating the love of money, and prompting to spend, by the dictates of reason, under the name of money, comprehends all things prized by money, as the standing measure of their worth. The present Discourse admits not of so much latitude, but confines it solely, to the being the measure of valuation, and price of wares; so becoming the common instrument of sales and purchases, the soul of traffick, and the life of markets.

As to its origin, not over noble, I find it to have been the child of want, though since become the parent of abundance. When all other creatures bearing different coins, issued out of the Mint, if I may be so bold to say, of nothing: no money appeared, which perchance may have been a reason, why the serpent bribed our first parents to rebellion, not with money, but ambition, and pleasure.

All other beings had God for their Creator, money, as to its form, was the creature of man, and that only after his fall, being multiplied upon earth; divisions of property then entered the world, from whence sprung a necessity of commerce; first, by bartering one thing for another. In success of time, trade improving, a current measure, for the price of things, was judged requisite, and therefore settled by each superior, in his respective dominion, and admitted by communities. So that, as the first intercourse of trade, was entertained by exchange of one thing for another, money became the vicar, as it were, of all things, and by

consequence, was designed to be of no less profit. Otherwise the exchange of other commodities for money, would have been unequal, in giving what might produce gain for money, which should afford none.

Such was the first institution of money, rising by degrees to that sway that Rome it self, with its grave stately senate, would have been unsubdued, had a purchaser, of sufficient wealth, appeared before it. This moves no small wonder in me, that money vulgarly should pass for barren and unfruitful, seeing it renders to its owner, whatever nature produces. For though of it self, or rather its matter yield nothing; yet by the artificial being it has from man, it gives profit at least equal to other productions of art, affording rent, for the use of them. Nay brings in much greater increase, to the skilful manager.

The mountebank in St. Austine, to raise expectation, took upon him to tell the people what was each ones wish and desire: curiosity having gathered a numerous gaping auditory, he acquits himself of his promise, saying; "They would all buy cheap, and sell dear." This assuredly is the constant intent of such as expend, to encrease money in its use. For he that buys cheap and sells dear, in what he buys, ensures his principal with profit; so that to receive advantage for money, without sinking the principal, is but a sequel of its being the price of wares. On this account I guess, a moneyed man, is said to have a good fund, from the Latin *fundus* a farm, or a good stock, in token of its fruitfulness.

Of what metal the first money was, or whether of any, I were yet to learn, had I hopes of a master to teach me. But the quality of the matter, is indifferent to the character it bears. This gives it its worth, and men may bestow it upon leather, lead, or other materials, in lieu of gold and silver.

Money, methinks, has much of the nature of words, though not so frankly parted with. Both are mans tenants at will, both ordered to interchange and communication, words of thoughts, and money of things; neither to be falsified, but to be directed to the end, for which they were framed, general conveniency, and improvement. By a more or less tendency to this end, the good, or bad use, of either is determined. Now to decide whether the putting out of money at a modest rate, drive at that end, or no, who can judge better, than the whole of a nation?

But Usury intervenes. Let him who advances so bold a censure, vouchsafe to mind, how in number he's much out-voted, equalled at least in wisdom and probity by those, who teach and practice it, as lawful. These have opened the law of Nature, Scripture, and Church, yet do not find it culpable; people find conveniency in a ready circulation, money otherwise would lie

buried with dead trade, the generality would be the worse, and no particular the better. Neither the nature of money then, nor its final cause the publick good, do any ways oppose the putting out of money at use, but promote it; as much as the exposing other goods, of which money is the substitute. This might suffice to the quieting a well meaning conscience, but a further discovery of the nature of Usury is expected from me, to which now I proceed.

CHAP. II.

The original notion of Usury, with its names.

Resolving lately upon the performance of what, almost a year since, I had engaged my promise to the instances of some friends; it was my chance to fall in at the Stationers, with two short Treatises of Usury; the one written by an English Knight, Sir *Robert Filmer*, and published by Sir *Roger Twisden*, with his addition of Preface; the other of a Reverend French Clergyman, Monsieur *Du Tertre*; I found them as opposit in the point, as if they would, even in this, have maintained the national feud, had the one known the other.

But *Du Tertre's* rhetorick, takes its full career against a divine of his own country, who it seems in a letter had joined with our two Knights, in upholding, that no Usury is condemned by the Law of God, but such as exacts upon the poor. *Du Tertre* on the contrary seems to hold forth, that all interest taken for money put out, without sinking the principal, is Usury. Neither hits the mark of truth: the Knights fall short, and *Du Tertre* shoots over; to level my aim better—

I begin from the name of Usury, derived from the Latin *Usura*. And this in property of speech imports *use*. So that Usury in strictness of terms, implies no more, then the use of money, in it self unblameable. How then did so foul a vice come by so fair a name? You might as well enquire, why the furies were called *Eumenides*. I know in Greek its called *τοκ*, for the resemblance paying interest has, with the grief of childbirth. In Hebrew its stiled *Neshec* נֶשֶׁח, the bite of a dog, in Chaldaick *Cabulia*, an undoing; yet by the Jews, it was also named *Tarbiith*, an increase. *Ad probri effugium*, (in cap. 23. Deut.) says; *à Lapide uti à Latinis, honesto Nomine vocata est Usura*.

Wherefore my inference is, that the gentle name of Usury, must cover sore aggrivances, and heavy extortions, as the Greek, the Hebrew, and Chaldaick, give us to understand; but these are not to be found in our case; this therefore must be clear of Usury;

a monster detestable even to heathens, a wonder it should be so familiarly entertained, and welcomed among Christians, as is the practice of putting out money, a token of its different nature, from what those names imply; which having premised, I shall now endeavour to dive after its origin; reason, and history, discovers it to me, for such as follows.

Upon the first imploying of money, of which probably he had most, who had the most to sell, by changing a stock of goods into a stock of coin, some engrossing the greater share, put others in necessity of borrowing; then avarice in the lenders, produced oppressions, with other evil arts, of unlawful gain, for the use of what was, or ought to have been lent, according to the law, of natural charity.

Such was the proceeding of the wealthier Romans, with the commonalty, as is to be seen in history, to the no small disturbance of that only then infant commonwealth: let one example suffice. The horrid sight of a stout old soldier, scourged and gored with his own blood for failure of paying interest, at the time prefixed, enraged the people to a furious sedition. The like perhaps, may have passed among the Jews. We have a kind of precedent, 4 King. Chap. 4. where the widow to Elisha says: *Ecce creditor venit ut collat duos filios ad serviendum sibi.* "Behold the creditor is come, to take away my two sons, to serve him." Exorbitant rigour for a debt, which, considering the condition of the widow of a poor Prophet, was not probably very great.

Usages so cruel, could not but excite a horror of Usurers, even in such, as by the law of nature, governed themselves; use-money, therefore, was by the Romans in the 12 tables stinted to 12 per cent. then to 6, after to 3; and finally in the time of Gemutius tribune, to remove all occasions of like encroachments, a prohibition of use-money was published, in favour of the people. No less was put in execution by Agis, the Spartan, and not the Athenian General, as some have it, ordering all the account-books of Usurers to be burnt in the market-place; Agesilaus applauding he had never seen a nobler fire.

But the prohibition among the Romans soon grew out of date, and though renewed by Cæsar, to ingratiate himself with the commonalty: yet putting out money at use, by necessity was revived, in his successor's times, growing to the extravagant height of cent. per cent. if you may believe Accursius, a famous civilian, cited by Sir Roger Twisden in his Preface. As for my part, I question not, but all oppressions, exactions, and frauds, exercised in the putting out money, were included in Usury, which may have been the cause, why in the days of old, witness Cato, thieves were condemned to the double, Usurers to the quadruple: to

which custom, peradventure, the saying of Zacheus might relate (Luke 19.) *Reddo quadruplum* : you may see more in *Covarruvias*, lib. 3. *Variarum*, c. 1. n. 5. of the aversion even heathens had to Usury.

This to have been the true, and sole notion, of Usury as prohibited, was Calvin's opinion, with his followers, amongst which our two knights; allowing all Usury, not rendered sinful by oppressing the poor, but against reason; it being no less Usury, to take beyond what is due from any, for the use of money; since persons of fortune, though never so wealthy, have right to what is just. I only infer, that a commodious rate, in the common judgment of all parties, can be no usury; taking Usury, as hitherto described from its origin, and expressed by its names. I come now to its strict definition.

CHAP. III.

The definition of Usury.

Sir Robert Filmer sports in his first paragraph, teasing Dr. Fenton, and in him some others of the church of England, for their definition of Usury. I cannot excuse the Dr. of some consciousness. For where a word may signify differently, to take away equivocation, one should first distinguish, and then define. This method I shall observe with the ancient divines.

These make a three-fold division of Usury. First, it may be taken, for a gain which is usurious. Secondly, for a bargain upon such gain. Thirdly, for the intention or will of such a bargain or gain. The first is termed actual Usury. The second is Usury expressed by covenant. The third is Usury purely mental. The two latter derive their malice from the first, as being the object of both, all promises or intentions taking their qualification from the action, promised or intended; wherefore, refixing the word covenant or will, to the definition of actual Usury, all three will be defined thus:

Usury in the first acceptance, is a gain immediately for lending, or for money lent as lent. Divines generally agree in it. It is said immediately for lending or as lent. To exclude all other titles of lucre, as gratitude, friendship in the borrower, or other considerations hereafter to be specified. Gain therefore is the genus; by the rest, Usury is differenced from other acquisitions. Hence of course, follow the two other definitions, viz. the second is a covenant; the third is a will or purpose of gain purely for lending.

Sir Robert opposes thus: gain undoubtedly is a false genus,

for certainly, Usury is a sin of commission, and therefore an action of operation. So, that lucre or gain, which is only a passion or product of lending, cannot be the genus of it.

Ans. How far Sir Robert's skill exceeded in law I know not, his logic certainly proves somewhat unfaithful to him. It is granted then that Usury is a sin of commission, and an action of operation, if it so please him. And so is gain for lending. Neither is gain, formally, and strictly speaking, the immediate product of lending, but of taking, and it includes active and passive; active, naming the person gaining; passive, by naming the interest gained. Gain then is an acceptance of interest; exclude the acceptance, neither lending, nor money, nor both together, will make up gain. But not to be so scrupulous in philosophy. Grant gain to be a product of lending, it may be as well a product of selling or letting; why may not gain then be drawn into a genus, in respect of the several ways of gaining, of which gain by lending is Usury?

He presses. Lending for gain, is not lending, but letting. Besides, the gain is not for the bare act of lending, but using the thing lent, that men give Usury.

Ans. The instance being made in Dr. Fenton's words, if I may believe the knight, brings him in guilty, not only of contradiction, which Sir Robert urges upon him, but of a very gross error in morality. For if according to the Dr's. definition, Usury is a covenant of lucre for lending, and lending for lucre be letting; a covenant for letting, by consequence, is Usury. A position unheard of.

To the difficulty. Lending for gain, is no letting, but lending; and lending and letting essentially differ, as will appear more hereafter. Lending admits of no recompence, by way of justice. Letting does, I willingly yield to the addition, that gain is not for the bare act of lending; but the lending we speak of, includes both act and thing as affected by the act of lending. For who lends, and lends nothing? By lending a thing, the use of it is given, as it is not in letting, and for what is given to require gain, is Usury.

Towards the full intelligence of the definition, it will not be amiss to open the twofold sense of the word lending, expressed in Latin by two verbs *mutuare*, and *commodare*, to lend things, not to be consumed in the use, as a horse, or house, with an obligation, that the same individually be restored is what corresponds to the Latin *commodare*; to lend things which are spent in the use, as corn, wine, and money, with a tie of having as much restored, and of equal worth; though not the very self-same, is what implies the Latin *mutuare*.

Between these two lendings, this diversity intercedes. In the first, the lender disposes only of the use, of what he lends, not to be consumed. In the second, use being inseparable from consumption, the lender grants both use and consumption of the thing. The first grounds an action to the thing lent. The second grounds an action to as much, and as good in the same kind. As to the first, what may be lent, may be lett: whether money, or goods, which perish in the use may be lett? shall be discussed. Plautus applies *locare*, to lett, to mony; and to place one's mony, is the common expression.

But before I proceed to examine this point, I shall lay down some truths, very material to the main, truths I think not to be shaken, as being rooted in the very definition of Usury.

CHAP. IV.

Positions drawn from the definition of Usury.

First. Gain, upon any account but lending, is no Usury. The proof. Usury is a gain, for a thing lent as lent. But gain upon any account, but that of lending, is no gain for a thing lent as lent, therefore no Usury.

Secondly. Usury is a sin against the law of nature. Thus S. Thomas, with the rest of divines. The proof. A lender by giving the use of what he lends, makes the said use no more his own; but to exact payment, for what is no more one's own, is an injustice, visible by the law of nature; therefore to receive payment for what is lent as lent, in which Usury consists, is against the law of nature; and therefore, as such, it is reduced to stealth, forbidden in the seventh commandment.

Thirdly. Not only extortion or exaction upon the poor, is Usury. The proof. Increase for money lent as lent, may be required of the rich, and this is Usury; but in this no oppression of the poor; therefore, Usury consists not only in exacting upon the poor, as our two knights hold, and the author of the letter impugned by *Du Tertre* seems to affirm.

Fourthly. Whatever is not reducible to stealth, and against the law of nature, can be no Usury. This is but a sequel to the second assertion. The proof. If all Usury be reducible to stealth, and against the law of nature, nothing can be Usury, which is not against the same law; otherwise this contradiction would ensue, that all Usury is against the law of nature, and that some Usury is not. Now to make nearer our case,

Fifthly. A joint-agreement in a body politic, for the putting out

of money at use, cannot be against the law of nature. *Proof.* Such an agreement would render it no more stealth, or injurious to any. *Volenti. nam. fit injuria.* It would accord with the first rule of equity; do as you would be done by. It cannot therefore oppose the law of nature, being so conformable to it.

Conclusion. The said agreement passed into custom, or law, for the taking interest for money put out, makes it to be no Usury. The proof. It makes it neither to be stealth, nor against the law of nature; but what is not against the law of nature, or stealth, is no Usury; therefore, it makes it no Usury.

If in the proof of any of these truths, fallacy imposes upon me, I shall be grateful to the discoverer. I am no stranger to the virtue of law, as to temporal concerns; it is not only lawful, but conscience, to submit one's private judgment to the public. Law regulates all contracts as to *meum* and *tuum*, in so much as property or *domaine*, by divines, as well as lawyers, is defined with deference to law. Property, they say, is a right in a thing, extending itself to all uses and dispositions of the said thing, not forbidden by law.

One may object, it is not in the power of any legislative authority, to make Usury no Usury, or stealth no more stealth; and to take interest for money put out, is both stealth and Usury.

Ans. Though it be not within the verge of human jurisdiction, to make Usury no Usury, or stealth no more stealth; yet it lies in the compass of that power, and even of a particular's power, to prevent from being Usury, or stealth, what otherwise would be so; not by altering the law of God and nature against stealing and Usury, but by a voluntary change or abatement of property and right. For example: One bestows a parcel of ground to be a Common, for the poor. Had the poor turned in their goods, before its being made Common, they had been guilty of trespass, and stealth, which they incur not, after the right of Common granted them. The case, if I mistake not, is ours. If a person will freely give 5 per cent. and security for the principal, you may take it; as his gift, standing good in law, without Usury. This is what the nation agrees to, including each particular's consent; perhaps, in recompence of the good, accruing to the general ease and public profit; and perchance, by way of penalty, for prodigals and spendals; so that what, excluding this general consent and accord, might have been Usury, in virtue of the said agreement, ceases to be such, for he that takes 5 per cent. takes it as granted by law and custom: for money put out; and not as covenanted by himself, for money as lent; custom being previous to the putting out of money, and including a general concurrence, which makes the interest allowed spontaneous, and freely given.

Nor doth this procedure intrench upon any, but equally provides for all, since as a person putting out money must receive, so taking up, he pays as much. And it often happens, that the same person who has money out, is forced to take up. Suppose then he pay as much as he receives, where is the gain? This discourse, not managed, as I find by others, I think fit to promote by the following inquiry.

CHAR. V.

Whether the Law of the Land render the taking 5 per. cent. safe in conscience?

Exception may be made against the question, as grounded on a false supposition, and that we have no positive law for the putting out money at use, but that it is purely premissive. That law may even permit Usury to avoid greater evils, as divines affirm, yet not justify it as to conscience.

Answ. That we have no positive statute law, which as Sir Robert Filmer, page 92. informs us, varies as to the case, it matters not; for it is enough we have law. But we have even statute law; for the statutes against interest for loan, may be understood of interest for pure lending; and not only may, but must be so interpreted; all gain not purely for lending, being no Usury, as has been made out from its definition. Much more since the constant practice, as the same Sir Robert tells us, of the common law of this land, and also chancery in point of equity, doth not only allow interest, where there is a contract for it, but also gives it where there is none. What better interpreter of statute law, than common law and equity?

This practice becomes law, according to the decision. *L. de quibus 32. ff. de legibus. Inveterata consuetudo, pro lege non immerito custoditur.* An ancient custom is deservedly held for law, and *lege 35. de legibus sed et ea quæ longa consuetudine approbata sunt, et per annos plurimos observata, velut tacita civium conventio, non minus, quam ea quæ scripta sunt servantur.* But also those things which are approved by long custom, and have been observed for many years as a tacit convention of the people, are not less to be observed than written laws. *Quid enim interest, (l. 72. ff. de legibus) an suffragiis populus suam voluntatem declaret, an rebus ipsis, et factis.* For what imports it, whether the people declare their wills by suffrages or deeds?

True it is, where the legislative power lodges not in the people alone, as it doth not with us, the king's tacit consent is a requisit, and in our case we have it more than tacit, since the courts which

all act in his name, adjudge interest to be payed. Now, if practice is not only the best interpreter of written law, but kept up for the space of some years, even prescribes against law, and itself often becomes law, who can except justly against the question made as being upon a false supposal?

Neither can our law be said to be merely permissive, for a permissive law grants no action to an Usurer against the borrower. But our Judges positively uphold the creditor as to a right he has by law to receive interest; the law then must allow of that right, Judges being obliged to decide according to law; whence the law appears to be positive, and not purely permissive; for were it merely permissive, it could give no right, as is clear, to take interest, but only wink at it; whereas our law grants procuration mony, to such who make it their business to find and put out mony for others. And is not this positively to co-operate by the encouragement of reward? The law of the nation then is clearly positive, for the putting out mony at use.

This positive law, I hold to be a plain justification of the practice, even as to conscience; it being to be presumed in favor of the law, that it would not positively concur to what were unjust, where Usury were against the law of nature and God. This presumption ought to stand good, until such time as the iniquity of the law be evidenced, which has not yet been done.

To question its justice, betrays an ignorance of what force law is. It even overrules and debars natural right of particulars, as in the cases of prescriptions, last wills, and minors, who, though true masters of their estates according to the apostles *cum sit dominus omnium*, are hindered by law to dispose of them. What more sacred and binding than an oath? Yet by the law both of Castile and Portugal, all obligations, contracts, and conventions, appertaining to the temporal court, if sworn to, are made void in law, to the end causes appertaining to the temporal, in vertue of an oath, may not devolve to the spiritual court, to the prejudice and limitation of the temporal jurisdiction; so the council of Trent, to say nothing of clandestine marriages, (Sess. 25. c. 16 de Reg.) annuls even an oath of renunciation made two months before profession. Evidence of what force law is, in cases much harder than ours, in which, all parties making up the legislative power agree, as to a certain rate for mony to be put out, as profitable to the public, and a fit means to prevent those strifes and debates, which might arise from the titles; divines generally allow of, for the taking interest, viz. emergent damage, lucre ceasing, and danger of principal, which often vary, and are now more, now less.

Our law then, stands upon good grounds, and makes good the ground it stands on; it being a tenet amongst divines, that

law takes away doubt, it being in possession of command, and though probable reason, but not evident, appear against its uprightness, it still keeps its post. (*Suares de legibus*, lib. 1.) Otherwise there being few laws, against which some objection might not be started, too much license in questioning them, would encourage to non-compliance.

So that in answer to the question, my opinion is, ever vailing to better reason, that more conscience ought to be made of condemning the putting out money as authorized by law, than of practising it. For were its lawfulness doubtful, and not in so high a degree probable, if not evident, as both reason and authority renders it, still possession stands for law. Wherefore, divines hold it no wise requisit; that he that puts out money either know the grounds of the law, or express the ways or titles justifying it. But it suffices, he intend to do what is just, and no ways offensive to God; as in prudence he may judge to be what law and constant practice stand for.

This is the decision of *Bartolus. L. Quis fugitivus §. apud Leonem de Edil. Edict. of Navarrus, Binsfield, and Tiraquellius*, viz. that a contract in use with learned men of known integrity, though in law somewhat dubious, obscure, and moving some apprehension of Usury, is not to be judged usurious. What would they have said to the case manifestly upheld by law and practice? I close this paragraph with this syllogism of S. Tho. quod l. 9. art. 15. which may serve as a rule in this, and the like cases. *Illud quod vergit in commune periculum, non est ab ecclesia sustinendum, sed ecclesia sustinet, ergo non est periculum peccati mortalis*. That which inclines to a common danger, is not to be born with by the church, but the church bears with it, therefore no danger of mortal sin. Therefore no Usury.

CHAP. VI.

Whether Money be capable of being Lett.

The decision of this question alone might put an end to the present controversy; for if money can be lett as other moveables or immoveables are, like interest may be received, it being for letting, and not for lending.

That money is not capable of letting, is commonly discoursed thus: location or letting, is a contract by which a person's goods or tenements are granted for wages or rent; so that what belongs to the hirer, is the bare use of what he pays for, the thing lett still ap-

pertaining to him who lets it. But money is consumed in the use, How then can it be lett to use, which makes it away?

My assertion is, that Money may be Lett.

That it may be lett to other uses than spending, as for a show, tending to preservation of credit, and not to cheat, as Sir Robert furts at Catholick divines, or to be a pledge, is owned by St. Tho. *2da 2da*, and by the schools in general, but denied by him in order to spending; by reason he supposes, that property of things consumed in the use, is not distinct from the use of them, so that who has the use, has property of them too. The hirer then having the use, has both; and therefore, is no more a hirer, but a proprietor, for the time he has the use, so that paying consideration for it, he will pay for what is his own, and the lender receive interest for what belongs to the borrower, and in this he places the sin of Usury.

What the holy doctor supposes. of the indistinction of property and use, in things consumptible, since his time, has not only been questioned, but the opposite goes for the more current among divines, approved by no less than five popes, witness Lessius (*De Just. lib. 2. c. 3. Dub. 8. n. 38.*) in this (the now more probable opinion). I see no greater difficulty in letting money, than letting a horse, for the hirer pays only for the use, the property still remaining to the letter.

But the property of what; since money in the use perishes to him that lays it out?

Ans. That is to say, money is in the time it is used, and no longer, and for that time the owner lets it.

But that is almost momentary.

Ans. Be it never so short, it is preferable, or at least equivalent to the longer use of a horse or house. This holds, speaking of the same physical and individual money, which in its uses perishes not in itself but to its hirer. Yet morally it still remains, in the right the creditor has to as much; it remains in the security for its reimbursement; it may also remain in the effects of using it, redounding to the hirer's profit; so that the letter retains the property, though not the possession of as much as the hirer owes, and according to law may dispose of it by gift or sale.

To the confirming what has been said, upon due reflection you will discover little or no difference between the letting money or a horse. A horse is lett to be restored the same, not absolutely but conditionally, for if by the hirer's fault it dies, he is only obliged to make amends to its full worth. And though the same be not returned, yet it cannot be denied that it was lett. The like happens

in putting out money; the letter retains a right either to the same, or as much; for the nature and intention of hire is to have a horse proper for the turn; the being this, or that, is wholly indifferent; by reason it is the species, or quality, which render things valuable and serviceable for hire, and not the individuality.

In like manner the letter being insured of having back a horse, in all respects as good as his own, ought to content himself as well, as with the right he has to his own. And what if one should lett a horse, conditioning to have as good, if not his own back; I inquire, whether this would not be a true letting? Certainly it would. Why may not one then, in the same manner put out money? For the letter keeps a right to have his sum^m back, and one 20*l*. in moral estimation, is the same with another 20*l*. so that the sum^m remains still the creditor's to be restored, as a horse to the letter.

This seems to have been acknowledged by the learned *Cajetan*, *Verbo Usura exterior* §. *Nota. fol. 578. Nota 2da quod quia lucrum usurarium est ex mutuo, ideo si quis non mutuat sed accomodat seu locat, aut vendit pecuniam cum pacto recipiendi aliquid plus, non est Usura, sed liciti sunt inijusmodi contractusque dum modo pacta sint moderata juxta qualitatem temporis.* Since Usurious gain is for lending, therefore if a person doth not lend, but lett, or sells money, bargaining for somewhat more, it is no Usury, but such contracts are lawful, so they be moderate, according to the quality of times. Now our law has struck up a bargain for all, to the easing each particulars of that trouble; it hath also provided against all immoderate gain, assigning a set interest now more and now less, proportioned to the condition of times, to the exclusion of all exactions and extortions; and thus the law renders the putting out money, no lending, and the interest allowed, no Usury.

Where, by the way, I take notice of a construction in common law, which Sir Robert teaches us, of the word extortion and exaction. They are thus distinguished, says he: extortion is a wrong in taking more than is due; exaction is the taking of what is not due at all. This distinction, had it come from a school divine, would scarce have escaped Sir Robert's censure, he is so severe upon them; for my part, I should conceive, that the more that is due, is not due at all; he then who takes more than is due, in that more he takes, takes what is not due at all; and so extortion in substance, falls in with exaction. The digression may serve at least, for the promiscuous use, with Sir Robert's leave, of the words extortion and exaction without cavil, upon a nicety scarce worth the law's notice.

CHAP. VII.

Of the obligation of Lending.

On what has been said in the preceding chapter, an enquiry attends by course, concerning the obligation of lending, it being manifest, that where the obligation of giving or lending money ceases, it may be lett. To assigne the bounds of this obligation,

First. I reduce dealings relating to exchange of property, either to donation, or sale; in contracts reducible to buying and selling, a just profit is allowed of; acts appertaining to donation, as such admit of no gain by way of justice; for such a gain were Usury in taking interest, for what donation has made no more one's own.

Now lending is a sort of giving, as letting is of selling, and one and the same thing may be lett, or lent, or given; giving makes the thing no more the donor's; lending makes a thing, or at least, the use of a thing, no more the lender's, for the space of the time it is lent; so that to require payment for what is given, or lent, as being another's, is palpable injustice, and Usury, as has already been declared. In letting, one sells the use of what he letts.

I secondly reflect, that as no man is obliged to prejudice himself, so where self-prejudice intrudes not itself, the law of nature obliges one man to help another, the preservation of each having a reference to the whole, and in this case arises an obligation of supplying our neighbours.

Thirdly. In extreme necessity, no place for lending. The necessitous having a natural right to take what may relieve their present want, all things in that occasion becoming common, and to refuse a person in extreme necessity is a sort of theft, in retaining from him what necessity makes to be his own, and no less folly, in pretending to lend what in extreme necessity is more another's than yours.

Fourthly. In cases of great, though less urgent necessity than extreme, the wealthy are bound under mortal sin, to succour the poor, out of what they have superfluous; in ordinary necessities, they are obliged under venial; yet in those cases, if letting or lending will suffice their occasions, all obligation of giving ceases; this is generally the doctrine of divines.

Hence this conclusion follows. The obligation of lending is conditional. Thus to be expressed. If a person will not by giving, by selling, or letting, cannot relieve his poor neighbour by the law

of nature, he is bound to lend out of what he abounds with; and in that case to exact interest, is Usury unjustifiable by any law whatsoever. The saying of St. Basil being most true; upon the text of the 14th Psalm, *Qui pecuniam suam non dedit ad Usuram*: He that hath not given his money to Usury. *Enim vero inhumanitas est maxima, si is qui egestate premitur; mutuum ad vitæ subsidium qui erat: dans vero sorte minime contentus, ex miseri calamitate proventus et opes excogitet.* For certainly, says the Saint, it is the greatest inhumanity, whilst one borrows a subsidy for life, the lender not content with the principal, devises incomes and riches out of the calamity of one in misery. In this passage you have, in what, according to the sense of St. Basil, Usury consists.

In other cases containing no obligation of lending, money may be lett or put out as law and custom allows, since the obligation of lending, generally speaking, extends no farther than to small sums sufficient to relieve pressing necessity. Yet in case a person freely lends never so great a sum, the law cannot allow him consideration for it, for this were Usury, as hath been more than once repeated and proved, forbidden by the law of nature and God, to which inferior laws, to be laws, must conform.

Having proved what occurred unto me, not so expressly treated of in schools, towards the making out the lawfulness of taking interest for money put out, it is time I should produce the common titles assigned by divines for the justification of it.

CHAP. VIII.

The common-Title assigned by Divines.

Considering the nature of things which may be lett, I find in none so many and so good titles for just gain, as in the letting of money. A house for instance, stands empty, of no profit or present use to the owner; apt to decay for want of inhabiting, yet it may be lett and rent received for it. Upon what score? For the living in it? But that kept it in repair; and is it just the inhabitant should pay for what he better? It may be said, it is the tenant's convenience which deserves the rent. The same with greater reason, may it not be said of money?

But besides the hirer's convenience, the inconveniences which attend the lettor are yet more considerable, by reason, money being the price of things, contingencies daily produce occasions of lucre, and the want of it unforeseen damage. The depriving oneself of the profit which probably might be made, and the danger of un-

dergoing prejudices are rateable, worth recompence, and may be bargained for, reason dictating as just to provide for self-indemnity. For which cause, as I suppose, the money taken upon those accounts is named interest, as behoving each one to require it as due.

One may interpose : these titles have no place in such as hoard and keep money idle in their coffers.

Ans. An inconsiderate objection. Whilst the money lies in coffers, the difficulty may be shut up with it. But every one hath right to open his coffers and to make use of his money to his best advantage; and this right by putting it out, he makes it over to another. Besides, in good philosophy, money being a pure medium, it is not coveted and loved for its own sake, but for the service it may be put to; as advantageous purchases, traffic, and the like, in order to profit; and in cases of suits, sicknesses, imprisonments, and other too frequent accidents, in order to prevent the harm, the want of money in like misfortunes would occasion; of these services he that puts out money deprives himself, and that deprivation deserves to be considered. Upon this ground runs the decision of S. Thomas, *Opusc. de Usuris*, where treating of such as sell dearer, because upon trust, affirms it is Usury. *Si tantum propter expectationem solutionis fiat*: that is, if it be for mere forbearance, but if it be to keep himself harmless, that it neither may be Usury nor injustice. But grant that neither cessation of profit, nor emergent damage be in the case.

Still the hazard of principal is constant and great. What a multiplicity of false dealers? Casualties frustrate the best intentions, securities of soundest appearance prove often litigious, producing much cost, trouble, and care; the exposing oneself to all this, is it not estimable and worth its value?

It may be said: All lenders are exposed to these inconveniences, for which cause, they being essentially connexed with lending, either use-money upon such titles, as being for lending, is Usury; or those titles, taking away the nature of lending, Usury will become a mere sound, and not a word, as signifying nothing.

Ans. It is granted that all lenders are more or less subject to those inconveniences, but it is denied that they are essential to lending. For lending includes no more than the act of lending, the use of what is lent, and futurity of repayment; these possibly may consist without loss of gain, adventitious damage, or hazard of principal, as a lender presumes they will, and ventures it. So that he retains no title for interest. This an Usurer heeds not, but blinded by avarice, even in that case will have profit with the principal. A lender then, though he be exposed to loss, it is because he will lend; be it for motives of charity so commended in holy

writ, and he is to expect his interest from God; or be it out of friendship; and he is repaid by his own judgment, that it becomes him so to do. But it were a bad illation to say, he could not bargain upon the score of those dangers, and so doing, he had been no more a lender, and therefore no Usurer.

The inference which was added; that Usury will become a mere sound, and not so much as a significant term, ends in air, and is of no substance. Sir Roger Twisden, and some others, make Usury a pure invention of churchmen, to bring more grist to their mills, which were it true, they would not study to bring it to nothing as the objection pretends. But divines according to duty, distinguish no Usury from Usury. To exact interest for what was freely lent still remains Usury, independently of all churchmen and canons. To lett where obliged to lend, is Usury; taking above what law allows, is Usury, at least presumptive; continuation mony, too much in practice, if some new consideration arise not, I hold to be rank Usury, as received purely for lending; all other titles being satisfied with the interest taxed by law.

Some not over-versed in these matters, may require what I mean by continuation-mony?

Ans. I mean too frequent a practice of Usurers, their custom is ever to have mony at hand, to supply such as shall address unto them. First, they require so much for procuring the mony, then they prefix a set time for which they lett it. Finally, the term expired, they demand what they think fit for continuing it in the borrower's hands. This last I stile continuation-mony, and hold to be plain Usury.

Against these titles from the name of Usury, Du Tertre discourses it after this manner. A name is taken from the nature of the thing it is placed for; but the name which is given to Usury is for taking increase for the use of mony; therefore, Usury consists precisely in taking the said interest. He promotes it thus: General ideas imprinted in the minds of all men cannot be false, but Usury in the idea of scripture, fathers, philosophers, imports interest for the use of mony, without exception of emergent damage, loss of gain, or danger of principle; to receive interest therefore for the use of mony, even with those exceptions, is Usury.

Answer. I pass by the major of his first syllogism, though it be false, that names be taken from the nature of things, except the names given by Adam; for the same thing in different languages, is expressed by different names, made significant by the will of men. The minor is denied; for one that buys cheap, receives interest for the use of his mony, and yet incurs no guilt of Usury; the consequence therefore is no better than the premises.

To the promotion of his argument, the major is granted, the

minor denied, and so is the consequence. His major I reassume and retort it. General ideas, page 114. imprinted in the minds of all men, cannot be false; but it is an idea drawn out in the minds of all men, by the author of nature, that man may provide against emergent damage, loss of gain, and danger of principal, that he may submit to the agreement of his nation, tending to the common good, therefore its contradictory must be false.

He instances, Usury by all is understood for interest taken for the use of money. *Usura quæ scilicet pro usu pecuniæ accipitur.* Usury, by reason it is taken for the use of money, says the law.

Ans. In law the word *Usura* has both a good and bad sense; interest taken for the use of money lent, is Usury; interest for the use of money upon other accounts is no Usury. And, de Facto, in his 7th chap.; he justifies several cases in which interest is taken for the use of money. It was a piece of oscitation in him not to take notice of Usury as expressed in other languages; the Greek, the Hebrew, and Chaldaick, import more than pure interest for the use of money, and could not be derived from the Latin *Usus*.

But besides the aforesaid titles, this other way, divines propose for the justice of putting out money. One may purchase a pension, or rent charge affecting some land or tenement, and is stiled real, or affecting only the person, and it is named personal. The contract is so to be drawn up, that by repayment of the principal, the obligation of giving the pension be cleared; or upon releasing the pension, the principal restored, both parties covenanting for performance. As to the real, it is judged by most divines to be no ways Usurious, by many, and of great credit, as to the personal, reason being much the same for both; so that excluding all usurious intentions, both contracts are held safe in conscience. Our custom then may be said to involve a general covenant of this nature.

Whatever statute therefore has been enacted against taking interest for loan, can only be in force in cases of unlawful gain; and we are beholden to divines for finding out just ways of attaining to a profit which could not be made by Usury without sin; this is ingenuously confessed by Sir Robert Filmer, though no friend to Catholick divines. But reason, is ever reason, come it from who it will. His words are, page 124: It is no sin to avoid a statute by lawful means. If the contract of bargain and sale be in itself lawful, why should it be a vice and not a virtue, thereby to avoid the penalty of the law, since laws are properly made to force men to avoid them by lawful means?

CHAP. IX.

Whether in some Case, it stand with Law and Conscience, to take more than 5 per cent.

The ordinary method of putting out money having been discharged of the imputation of Usury, a motion may be made, whether in some case, one may not improve his money to more than the current interest? That one may do it by way of traffic is unquestionable. So that any means of gaining more than 5 per cent. justifiable by the same reasons and law as traffic is, cannot but be approved of, even in putting out of money.

My conclusion is, that in some case, the gain of more than 5 per cent. is lawful.

The case is of a triple contract taught by most and ablest divines. The first is a contract of partnership; the second of insuring the principal; the third of insuring the interest; all three maintained by law, and practised upon exchanges, which certainly they would not be, were they against the law of nature and usurious.

Suppose then that all succeeding according to expectation by the first contract, each party's gain in a year be computed thirty per cent.; suppose by the second a partner insure his principal by giving ten per cent.; suppose finally, that by a third, he sue for ten more, the hopes he has of gaining twenty; for hope of gain is valuable, and matter of purchase, as appears in the buying the cast of a nett. Thus acting, the said partner will have right to ten per cent. and the conclusion is made good.

In Sevil, as I am informed, no less than twelve per cent. is taken and given by merchants, and Du Tertre acknowledges that merchants of the town-house of Paris, and exchange of Lyons, pay each term, which is quarterly, two and a half, amounting to ten per cent. in a year. And questioning himself what may be said to it? He coldly answers, *que pour L. ordinaire cet interest est Usuraire*. That for most part, such interest is usurious. So that of its own nature, it is not; for were it, of its own nature, usurious, it would always be so, and not only ordinarily. But to return.

Divines agree in the lawfulness of the triple contract, so it be made with distinct persons, and not with a partner. Some modern Rigorists except against it when made with the same. The reason is, that the nature of the contract of society is to be such, that both loss and profit be equal to all parties, l. 1. *et seq.* π. *et leg.* 1. *et*

seq. c. pro socio. But the two latter contracts exclude partaking in the loss, therefore not to be made with a partner.

Ans. At least the point is gained, of its lawfulness in some case, of making more than five per cent. To the difficulty of contracting with the same partner, divines answer, that by the law it is only evinced, that in virtue of the sole contract of society, one cannot require from a partner, to be insured; but that it is no ways against the improving the said contract by addition of the two others.

I add, that the person so contracting in law is not the same, but in this case, as in others, is equivalent to three, *per fictionem juris*, as the Civilians term it. In the first, he acts as a partner, in the second, as an insurer of the principal, in the third, as a purchaser of the hope of gain, which the partner sells him; so that in each he acts as a several person; and why may not all this be performed by a partner, as well as another? since partnership rather gives him the preference to the gain in prospect?

Against this, Du Tertre urges the Bull of Sixtus Quintus's, beginning, *Detestabilis avaritia*, where he condemns the contracts of society, in which the loss of principal remains not in him who puts out his money, but is to be restored him with interest, in case it perish in the partner's hands without any profit accruing to him.

Ans. First, in that Bull, such contracts only are condemned, wherein by the sole contract of society or covenants by constraint involved in it, the whole danger of principal, without any consideration, is cast upon a fellow-partner without any contract of insuring freely made and agreed to by both parties, which *jure communi* hold good. See Bouac. Disp. 394. Puncto Unico. n. 46. citing many, as Molina, Saloñ, Nav. &c. and F. Tuccius, a man of known sanctity and learning, in his letter to Comitulus, witnesses plainly, that Sixtus Quintus being asked concerning this Bull answered, that he only forbid the conventions usually joined to the contract of partnership which are commonly condemned by classical authors, not such as they thought just; and this Tuccius had from the cardinals Toletus and Sanctonius, who were commissioned to draw up that prohibition.

Secondly, the Bull is of no force, where not received, as the same Bonac observes, nor is it accepted in Germany, France, Sicily, or Flanders. Less. lib. 2. de Just. cap. 23. Dub. 13. and England may be added. But whether received or no, it is decided by the Rota in Farinæcius Decis; 157, and 198. And Coccius a famous Canonist, Dean of the Rota, in a Rotal Decis, An. 1602. concludes expressly, that the Bull comprehends only such cases as are *venustus jure communi*; which decision you will find in Cheru-

binus, in the Compendium of the *Ballarium*, *Scholio primo ad Bullam 45. Sixti Quinti*.

By these allegations it appears, with how small consideration and much want of study, Du Tertre insists upon that Bull. It cannot but be very disagreeable to men of sense and reading to hear some, wordy, shallow preachers, and lesser divines, condemn these common methods of palliated Usury. Let the best of them unloak it, by proving that the gain made in any of the ways hitherto rehearsed, and authorized by the public good, by Civilians, by Canonists and Divines, is purely for lending, in which consists the essence of Usury, or that they are against the law of nature.

This is to be done to evidence, for if it remains doubtful, possession carries it for custom and law. And were it not a tyrannizing over souls to send them to hell, more than God himself can: do without evidence for usurers? Whole nations for practising of it, to hell; divines for teaching it, to hell; lawyers to hell, for abetting it; Judges for upholding, to hell. But practising what? Teaching what? Abetting what? Upholding what? What only they deemed an injury to none, a conveniency to all, suitable to the law of nature, and no wise offensive to the Almighty: and for this to hell? If this be a zeal! it is a zeal no better than injustice. What an embroilment of consciences? What a confusion of restitutions to be made by the now living for their ancestors, and for the yet living by themselves, could the misapprehension of a few austere fancies, without any I say, not manifest, but even probable reason, ground an obligation of believing them? Were I furnished with Monsieur Du Tertre's Oratory, how would it pleasure itself with a breathing or two upon so fair a course? But enough, if not too much of what is unnecessary, and with the three following enquiries, I close this first part.

CHAP. X.

Of the Bristol-Bargain, Pawn Brocade, and Interest upon Interest.

First assertion. The Bristol-Bargain no Usury. The reason is, that the gain made by it is not for lending, but a real purchase of an annuity to be paid for a set number of years. And though the interest by the seller's industry, may come to more than five or six per cent. this cannot make it Usury, otherwise the profit made by selling and buying, which in a year, may exceed twenty, would be Usury, to the destruction of traffic.

Second assertion. The Bristol-bargain, as represented, is both just and commendable.

The bargain as proposed to me some twenty years ago, is this : five hundred pounds then running at six per cent. was given for an annuity of a hundred pounds to be paid yearly, the space of seven years. I then thought it safe in conscience, and still do, the more that I hear it is warranted by law ; for it contains the requisit of equality between the price and what is bought, so that it is guilty of no injustice ; it is not purely for lending, so that it is free from Usury. It is true, the purchaser by putting out the hundred pounds yearly paid him in, upon the expiring of seven years, reimburses his capital, and comes to gain three hundred and thirty pounds and somewhat more, but this, without the least oppression of the seller, who, I suppose, takes the principal, in order to make a purchase, or the paying a debt ; and not able to pay in the whole at once, is eased by paying in yearly a hundred, and the last two hundred, paid in lieu of interest, falls short by ten of the current interest at six per cent. So that albeit the purchaser may gain a hundred and twenty pounds above the current interest, the seller of the annuity gives less by ten, and by consequence the bargain is commendable.

Third assertion. Pawn-Brocage not to be excused from Usury.

By Pawn-brocage, I understand not, the taking a pawn for security of ordinary interest without power of alienating the said pawn ; but in the assertion I mean the practice of taking more than the usual and that monthly, under forfeiture of the pawn, in case of failure. This I take to be Usury ; my reasons are :

First, it is expressly against law, so that the general agreement which justifies the common way of putting out money is against Pawn-brocage.

Secondly, the overplus a Pawn-broker takes, other titles being fully recompensed, is presumed to be taken purely for lending.

Thirdly, it is the pressing necessity of the poorer sort which Pawn-brokers prey upon, exacting no less than fifteen per cent. and often more, to the great oppression of their poor brethren, which is the very notion of Usury delivered in scripture.

Fourthly, Pawn-brokers are so insured of their principal by pawn, that the title of its danger, and trouble in recovering it, almost wholly vanishes. But emergent damage, and cessation of lucre, still remain.

Ans. Grant they do, which brokers themselves know best, yet the danger of principal equalling both, and ceasing, either Pawn-brokers are bound to take but half interest upon those considerations, or others may take the double for the danger of the princi-

pal; but this would be judged extortion, Pawn-brocage therefore can be no better.

In favour of Pawn-brocage, presidents are taken from the Mounts, as they are called of piety, erected in most Catholic cities, and approved of by the see apostolic, as receiving something more than current interest towards the maintenance of ministers and other requisits to that pious work.

Ans. The disparity is great. First its no good consequence from public to private authority, for were it, whatever the public acts, each particular might presume to do, to a confusion of order and justice. For example, vindicative justice as incumbent to the public, is a virtue, yet no good president for a private man to revenge himself, this being reserved from him as an incompetent judge. It doth not follow then, that Pawn-brocage practised by those Mounts, and administred by the public, may be put in use by every particular, avarice being as dangerous a passion, and as blind as revenge.

Secondly, those Mounts are to take no more than what is precisely necessary to uphold them for relief of the poor, without making the least gain to themselves. Pawn-brokers aim at raising fortunes.

Thirdly, it ensues that Pawn-brokers are an agrievance to the poor; whereas those Mounts are an ease from the double, treble, and more, which by Jews, and Jewish brokers, would be exacted of them. They were named Mounts from the bulk of money levied by the prince, magistrat, or charitable contributions of piety from the end they were founded, the relief of the poor.

Fourthly. If after a year, which is the space given to redeem the pawn, the pawn be sold, satisfaction being made for principal and interest, the surplus is to be restored to the borrower. How well this is performed by Pawn-brokers, let their conscience tell. However, according to the law of nature, they ought not to be their own dealers, and take advantage from the misery of the poor. For this reason I apprehend Leo X. with the approbation of the Lateran council, held by his appointment, requires the confirmation of the See Apostolic, to the erecting the said Mounts. On what authority then can Pawn-brokers rely, who not only act without it, but consequently against it, and our national laws? So that reason and authority duly considered, our assertion holds.

Fourth assertion. Interest upon interest, as the words sound declares itself Usury, they importing double interest, for one and the same principal, which is exaction.

But the case may be stated thus, a year's interest for example of twenty pounds is due. Now in case of non-payment, can the creditor demand new interest for what is unpaid from the time it was due?

Ans. If the creditor at the due time demands not his interest, but voluntarily lets it run on by way of forbearance, he can demand nothing, by reason the forbearance, as being of his own free will, invests the nature of a gift, for which as such, nothing can be required, and so to take interest for what still remains interest, as never having been converted into a principal, would be Usury. But suppose the creditor in due time call for his interest, and by agreement with the debtor, in place of receiving it, converts it into a principal. I see no Usury in it, for as he may join another sum to the former, so he may the interest; and the consideration to be had for it, cannot be said to be interest upon interest, but upon what was interest, and is now become a principal.

What if the debtor being called upon, refuse to pay what is due?

Ans. The case is the same. For from the time it is challenged the debtor is an unjust detainer of what would be a principal in the creditor's hands, and capable of improving; now the loss of the said improvement is to be made good.

Wherefore the civil law distinguishes Usury of pure gain for lending, and Usury of compensation. The first is ever forbidden, the second is allowed of (*L. Socium. ff. pro socio.*): Where if a partner defers to pay in due time his fellow-partner, it is thus decided: "*Usuras quoque præstare debet, sed non quasi Usuras, sed quod socii interest, moram eam adhibuisse.*" He must also pay Usury, not as Usury, but because it concerns a partner that he should not suffer by delay, and *L. Usuras Cod. de Usuria.* "*Cogitur emptor qui in solutionis mora est Usuras insuper solvere venditori.*" The buyer who defers payment, is to pay over and above interest to the seller.

Notwithstanding what has been said, if we have any peculiar law against taking interest for what was interest, I think it not safe in conscience to require it: Law being a rule of property and consequently just gain. And there may be just reason for the law's forbidding it, viz. to put a stop to the ruin of families which certainly attends such as either cannot, or neglect to pay the first interest. For the burden of a new payment coming upon them, will render them less able to pay the second.

Having performed I hope as far as necessary, the first part of my task, in clearing the putting out money at use, from the foul scandal of Usury, by confronting it with the law of nature, as interpreted by divines and lawyers, I conclude with an answer to the complaint of Du Tertre: that if divers by taking up money, run themselves into poverty, others by putting out, forfeit their principal, it is the fault of particulars, and no want of provision in the law; which by moderating interest provides for the first against ex-

tortion, and allows to the second the security they shall require. Casualties ought not to be rules, otherwise on the same account, all trades must cease, since a profession which is one man's making, is often the undoing of another. One by taking up money clears his estate and prevents great mischiefs, or recruits his sinking trade and reputation; another redoubles his debts; the fault is not in taking up the money, but in the management.

PART II.

OF THE CASE AS TO SCRIPTURE.

CHAP. XI.

Usury considered as to the Old Testament.

THE reverence and compliance due to God's word in Holy Writ, takes place of all reasons and authorities hitherto made use of, nor can any human law or custom, though seemingly tending to the public welfare be of force, in opposition to divine command. For, as Tertullian solidly determines, "Ad exhibitionem operis prior est majestas divinæ potestatis, prior est auctoritas imperantis, quam utilitas servientis." The majesty of divine power, the commanding authority, precedes the utility of him that serves. It is but rational therefore, that I should confer what has been said, with those texts of scripture, in which Usury is condemned.

To the explaining how far they relate to our case.

The first passage is, Exod. 22. v. 25. "Si pecuniam mutuam," &c. If thou lendest money to any of my people being poor, that dwelleth with thee, thou shalt not urge them as an exactor, nor oppress them with usuries. The second is Levit. cap. 25. v. 35. "Si attenuatus," &c. If thy brother be impoverished and weak of hand, and thou receivest him as a stranger and sojourner, and he live with thee, take no Usury. And ver. 27. Thou shalt not give him thy money to Usury, and an overplus of the fruits thou shalt not exact of him. The third is Deut. c. 23. v. 19. "Non fœneraberis fratri tuo," &c. Thou shalt not lend to thy brother money to Usury, nor corn, nor any other thing, but to a stranger. This is whatever Moïses has left in his law touching Usury.

The two first places are but an explanation of the law of nature, both conditional, and no absolute command. The condition is, "if thou lend," which implies not so much as a precept of lending. But that is not all; the condition required to the guilt of Usury, as the words lie, is not merely of lending, but lending to the poor, and weak of hand, viz. not able to work; from them to take more than was lent, is oppression, prohibited under the notion, Thou shalt not oppress them.

To the poor, little suffices for their present wants, and to require sole repayment of them, is more than to take interest for greater sums from the sufficient. The law therefore aims not the least at the case we are in; for who puts out money to poor and weak of hand? Few or none. And yet the law condemns only such of inhumanity as do, by stiling this Usury, *Neshéc*, a ravenous bite, or the bite of a dog; a name perfectly misbecoming the practice of putting out money, profitable to all parties concerned. And no wonder if Usury, as expressed in law, grounded so just a detestation of it in holy fathers, moving them to so frequent and vehement invectives against it. The plainness of the expression in the law, has encouraged some to fix all Usury upon the oppression of the poor, and would incline me to do the same, did not evidence of reason, the light and law of nature, extend its notion yet farther, to a gain made purely for lending.

The third place in Deuteronomy, though somewhat varying in words, contains no more than the former. This I make out; first, from the title, occasion, and scope of the book; secondly, from the text itself.

The title of the book given by the Rabbins, is *Misné*, a reiteration of the law, and by the Septuagint, *Deuteronomium*, signifying a second law; not as different from the former, published on Mount Sina, but as being a repetition of it. See Theodoret. q. 1. in Deut. S. Austine. q. 49. S. Athanasius, in Synopsi. S. Jerome words it thus: "*Deuteronomium 2da lex, et evangelicæ legis prefiguratio, nonne sic habet ea quæ prima sunt, ut tamen nova sint omnia de veteribus?*" Deuteronomy prefiguring the evangelical law, hath it not the first things after such a manner, that of old, they seem new? And this by reason of the different and statelier tone Moises takes in this book; when after forty years travel and glorious achievements, being upon his departure for a better life, he, to a new people, their progenitors being deceased, makes a second promulgation of the law, but more emphatically to ratify the covenant between God and that people. By the title therefore of the book, its occasion and intent, the law written in it, in substance varies nothing from itself given in the former.

This secondly is made out from the text itself. For the negative,

"Thou shalt not lend to Usury," is no more than equivalent to the conditional: "If thou lend, thou shalt not take Usury." And so it is coincident with the former. Whether this law were only judicial, as the knights will have it, proper to the Jews; or moral, extending itself to all mankind—I examin not; but supposing it moral, yet it nothing affects the case of putting out money without oppression or injury.

The law thus expounded, affords us, in few words, a general and true construction to the many and vehement expressions of the prophets against Usury. For the prophets, though inspired to be the preachers, and interpreters of the law, yet they were no givers of a new law; wherefore our Saviour, Matt. 22. puts a distinction between the law and the prophets; Usury therefore with them, must signify no more than what is written in the words of the law. According to these, St. Basil glosses the 5th verse of the 14th Psalm; and David in the 71st Psalm, ver. 13. by the words, "He shall spare the poor and needy," gives us the sense of the following verse, "From Usury and iniquity he shall redeem their souls;" as Psalm 54. he joins "Usury with Guile."

Neither doth the place in Ezek. c. 18. much exaggerated to little purpose by Du Tertre, express any thing not mentioned in the law; for that "more" or "increase" there mentioned, and in other places, is the same specified in the law, for Usury, forbidden under the proper name of *Neshec*; and the milder of *Tarbit* or increase, given it by the Jews, as was remarked in the second chapter. An honest increase, and upon just considerations, is no where blamed.

Christ indeed, to whom all power was given, in heaven and earth, abrogating the ceremonial law, and some judicial of the Old Testament, might have established a peculiar as to the present case; but his divine wisdom left things as to that point in the state they were; declaring only when questioned by a saucy doctor, Matt. 22. "that on charity, the whole law depended, and the prophets." So that if the putting out money be no aggravance, by consequence not against charity, as to law and prophets it rests good.

CHAP. XII.

Usury considered as to the New Testament.

The single text, making to the present purpose, is Luke, c. 6. v. 35. '*mutuum date nihil inde sperantes. Lend, hoping nothing thereby.*' This passage, however so much insisted upon, gives little assistance to such as are averse to the putting out money at use. Our

Saviour in that chapter intermixing many things of counsel with others of precept, be pleased to peruse it. This saying, divines hold to be only of counsel, and the conjunction of lending; with other works, which are not of precept, is no feeble confirmation of it. Verse 29. it is said: 'Unto him that smiteth thee on the one cheek, offer also the other.' And verse 30. 'Give to every man that asketh.' This lays no obligation of giving; no more doth the first of lending.

Besides, reason dictates the proposition to be capable of restriction. For though a lender be bound to hope no increase by lending, he may hope for a requital of gratitude, friendship, or a like return; this indeed as being of less perfection, than to hope it from God, we are counselled to abstain from, by hoping nothing from man. Otherwise, why might not the unnamed contract, 'do ut des; I give to be given to,' as well hold good, being authorised by Christ in the same chapter, if words be taken as written; 'Give, and it shall be given to you?'

But no need of all this. The particle *thereby* moderates and restrains the negative *nothing*; so that the words of Christ, as I apprehend, contain both counsel and precept; counsels in the affirmative part; lend out of the case of necessity, in case of necessity; precept, and prohibition in the negative part, hoping nothing thereby, viz. for lending.

Three other places in the New Testament present themselves. The first, Matt. 25. v. 27. in the parable of the talents: 'Thou oughtest therefore,' says the Lord, to the idle servant, 'to have put my money to the bankers, and then at my coming, I should have received mine own, with Usury.' The second is, Luke 19. v. 23. where the noble man, to the same purpose utters himself, 'Wherefore then gavest not thou my money into the banks, that at my coming, I might have required mine own with Usury?'

My intent goes no farther than to shew by these parables, how the putting out money at use was customary among the Jews; a parable being: the application of a well known thing, as the putting out money was, to a less known, as the kingdom of heaven. The parable moreover represents unto us a twofold gain: the one of trade, the other by putting out money at use. The omission of this, as obvious and of less trouble, as also less profit, is reproached to the idle servant; Usury in that place, being taken in a good sense, as interpreters observe. It having then been a custom of the Jews, to put out money, had it been Usury so to do, expressly against law; Christ so zealous in the reform of other disorders, had never passed so great an one in silence.

The third place, Matt. 21. and Jo. 2. relating the execution done by our Saviour upon the bankers in the temple, has scarce a sha-

low of difficulty; that comportment of his, having proceeded from the abhorrence not of Usury, but of the profanation of the temple, as appears from his words, 'Make not the house of my father, a house of trading.'

St. Paul in his first to the Corinthians, chap. 6. in the number of the excluded from the kingdom of heaven, specifies thieves and avaricious, but makes no mention of the putters out of money; the true sin of Usury being comprehended in theft and avarice. For avarice is, the parent of extortion, fraud, and other unlawful dealings, and therefore extortioners are named there. For such is the violence of avarice, where it reigns, that it murders all thoughts of charity, and breeds such a passion for lucre, that it catches at all means, just or unjust; and one of its proper effects, questionless, is Usury. A disposition of this nature, constitutes an habitual Usurer; its execution, an actual.

More than this is not to be culled out of scripture, as to the true conception of Usury, so frequently and severely reprov'd by Holy Fathers; out of whom Monsieur Du Tertre has handed the choicest places to me. Wherefore, my next work is, to give them their true construction, that by mistake, they may not work upon the weaker.

PART III.

OF THE CASE, AS TO CHURCH.

Testimonies of Fathers, Councils, and Popes, answered.

CHAP. XIII.

Citations of the Latin Fathers.

As beyond all doubt, Holy Fathers were given to the Church for interpreters of the divine law, and true sense of scripture; so the practice of the church interprets them; and is to be their final rule and judge, as well as ours. Some things are spoken by them orator-like, others dogmatically. Dictates of the first nature, are no ways obligatory; sayings of the second are yet no farther binding than the church accepts of them. I say not this, that I meet with any one quotation that condemns the common practice; but only

to give a true account, how far their authority reaches. They generally run down Usury, viz. either taking interest for lending, or extortion. And he that puts out his money at a reasonable rate, cannot be said to receive merely for lending, or to extort.

A regard also is to be had, to the times and circumstances in which they writ; money then running at cent. per cent. and heathenish customs, of exacting upon the poor, still being in vogue. These reasons might influence their zeal, and give fire to their vehement expressions; and though a chief respect is to be had to the primitive doctors of the church, yet we are not to lose the esteem due to those who, according to the apostle, God has placed in his church, from time to time, to succeed them; nor ought they to be slighted, with the lessening character, of a few Casuists, as Du Tertre makes bold to do. The Casuists, are divines, neither a few, but the greatest part; and the learnedst, on which we ground ourselves, as to the case.

The Holy Father, most quoted, is St. Amb. in his book upon Tobias. The title of his 14th chap. is 'de Usura divina lege prohibitâ,' of Usury forbidden by the divine law. There he thus defines: 'Quodcunque sorti accedit, Usura est, quod velis ei nomen imponas.' Whatever accrues to the principal, is Usury, call it as you please; and in the following chapter expounding that passage of Deut. 'Non feneraberis fratri tuo sed alieno,' Thou shalt not lend money for Usury to thy brother, but to the stranger. 'Quis erat,' says he, 'Tunc Alienigena, nisi Amalec, nisi Amorrhæus, nisi hostis? Ibi Usuram exige, cui merito nocere desideras, cui jure inferuntur arma huic legitime indicatur Usura. Ab hoc Usuram exige, quem non sit crimen occidere. Ubi jus belli, ibi etiam jus Usuræ.' Who was then the stranger, but Amalec, but the Amorrhæans, but an enemy? From him who justly thou desires to harm, exact Usury.—Take Usury from him, who it is not a crime to kill.—Where there is right to war, there, there is right to Usury. So far St. Amb. after his eloquent manner, in a transport of zeal; for these words of his contain much matter of dispute. As for example; he restrains the word stranger, to sole enemies, which argues not so strict a discourse. Nor do any as I know hold it lawful to take Usury from an enemy. But to examine each particular of the passage.

The first, whatever accrues to the principal is Usury, must either be understood with St. Basil, of an increase extorted upon the poor, or as divines commonly do, of an increase merely for lending. Wherefore Lancelot, by Du Tertre, so highly commended, lib. 4. of his Institutions. 'Titulo Sept. de Usuris.' Thus defines Usury: 'Usura est quidquid ultra sortem mutuam percipitur.' Whatever is received above the principal lent, is Usury. Now that

this must be the meaning of the Saint, I prove it from the title of the chap. which is of Usury, &c. But no Usury but in one of those two ways; therefore the increase the Saint speaks of, must be in one of the said ways. If the place be not thus expounded, it fails of truth. A free acknowledgement, made by the borrower, accrues to the principal, is it Usury? And though in the banks of Rome, it be not in the power of him that puts out his money, to call it in at pleasure; yet it lying safe, and the principal remaining still his, the interest accrues to the principal; and will any one presume to condemn the said mounts of Usury?

The second place, may be retorted against the alledger. The Usury S. Amb. speaks of, is paralleled to killing, consequently to the greatest blow, to be given by an enemy; such may be heavy extortion, and oppression of the poor, or a treacherous exacting interest, for what was lent; but nothing of this, in our case, sustained by mutual conveniency. Suppose the Amalecites or Amorhæans, had made some constitution among them, of giving five or six per cent. for the benefit of trade, and ease of the indebted, who otherwise would be exposed to much greater damages, and for other ends tending to the publick good; would the Jews, by placing monies in their hands, have made a bloody war upon them? Would they have put them to slaughter? Would they in the least have injured them? Surely no. It is violent then, to enforce those sayings upon the case before us.

To S. Amb. succeeds S. Jerom, in his commentaries on the 18 chap. of Ezekiel, where having declared, that Usury is not only for money, but also for other consumptible goods; he exemplifies it in seed time, in corn; in which occasion, one lends ten bushels, to receive fifteen at harvest, and this by way of charity. The Saint thus insults their usurious hypocrisy. ‘*Respondeat enim nobis breviter fenerator misericors; utrum habenti dederit, an non habenti? Si habenti, utique dare non debuerat; sed dedit quasi non habenti, ergo quare plus exigit, quasi ab habente?*’ Let the merciful usurer, answer us in short, whether he gave to one that has, or to one that has not? If to one that has, he ought not to have given it, if to him that has not, why exacts he more from him, as from one that has?

St. Jerom’s ironical challenge given to an usurer, reflects not upon the putting out money, as is clear. By one that has, and one that has not, he means rich and poor; as to rich, no occasion for lending, as to poor, they ought not to be treated as rich. This is the whole strength of the dilemma, which seems rather to allow taking interest of the rich, and not of the poor; for could interest be received from neither, how would that instance hold good? ‘*Or why exacts he more from him that has not, as if he were one that has?*’ It also deserves reflection, that the more exacted of the poor, was

no less than 50 per cent. or by such as thought themselves most just, as the Saint expresses it, 25. And this for corn, which could have rendered its owner, who had it to spare, no more than the market price; whereas money is highly improvable. Let some of our country usurers therefore, answer the second part. With what conscience do you exact the more, for what you lend, and that only from seed-time to harvest, of fifty or twenty-five per cent. from the poor?

Again by the word giving, he may mean lending; this being a sort of gift, and then St. Jerom instances well, he ought not to have lent, to one that has, since the obligation of lending, is grounded upon our neighbour's necessity. And what doth this concern us? For though there be no occasion of lending, there may be just cause of putting out money, and placing it with such as think it but reasonable to pay the lawful interest.

The third is S. Austine, upon the 36th Ps. Conc. 3. 'He writes in this manner: *'Si foeneraveris homini id est mutuam pecuniam dederis,'* &c. If you lend money to a man, from whom you hope to receive increase, or more, than you gave him, be it corn, oil, &c. you are an usurer, to be disapproved, and not praised: mark what the usurer does, he will give less, to receive more.

A. S. Austine plainly tells us, what Usury is, and only confirms the common definition; Usury, says he, is a will of giving less to receive more; and that you may not mistake, what he means by giving, it is lending, as the preceding words make out; 'If you lend a man.' By S. Austin then is defined an usurer, who for lending will have more, than he lent. And he who gainsays this, knows not the nature of Usury.

These are the three doctors, Monsieur Du Tertre thought fit to select from among the Latins, out of which, a place or two more I have omitted for brevity sake, as having their answer in what has been said.

CHAP. XIV.

Authorities of Greek Fathers, answered.

To the three Latins, are joined three of the Greek church, by Du Tertre, concluding in S. Austin's words: *'Quomodo verba scripture intellexerunt sancti, sic utique intelligenda sunt.'* Words of scripture are to be understood, as the Saints understood them. By Saints, S. Austine, without doubt, means the unanimous consent of fathers, and not a few dubious sentences.

I begin with the author of the imperfect work, Hom. 38. upon St. Matthew; though cited last, as arguing closer than the other

Two. To reflect upon the author's guilt of heresie in some passages, I take to be little to the purpose; but I weigh his reason. He enlarges himself upon the difference between letting of lands, and letting of money. First, 'Quoniam pecunia, non ad aliquem usum disposita est,' &c. Money is not ordered to any use, as a field, but only to be the price of things in buying and selling. Secondly, He that hires a piece of land, or house, has the fruits of the land, or conveniency of lodging; so that it is an exchange of gain for gain. But if you retain your money, it fruits you nothing. Thirdly, lands or houses decay with use, money when it is lent neither diminishes, nor deteriorates.

Ans. Authority grounded upon reason, goes no farther than the ground it builds upon; wherefore, answering reason, I satisfy authority. To the first it is granted, That the use of money, and a field, much differ. Money of itself produces nothing; a field of its own nature is fruitful; the use of money is, to be the price of things; the use of a field is not; yet in this they agree; that as a field gives grass, or corn by tillage, so money employed in buying, or selling, yields profit, and of the right to this, he that puts out money deprives himself. I further wish the opposers would acquaint me with the products of a house, and other artificial things, or even of money, when lett out only for show, or to be a pledge; as on those accounts, S. Tho. allows it may be 2da. 2da. Qu. 78.

To the 2d. He that hires money has the profit, or at least the right to profit by it; and so makes an exchange of gain for gain. But money by keeping, affords nothing.

What then? But it would by spending. And before spending, doth it not enable the owner to profit by it, as occasion serves? And is this nothing? Hath it not more of hardship, that another should have the whole gain by laying out ones money, than the owner should take part with him?

To the third, That house and land decay with use, it is answered, They decay more without it; and though money as to itself, do not deteriorate; yet a principal may perish wholly to the creditor, but land cannot; besides, he that puts out his money, is at least deprived of its use, in order to gain, which is equivalent to a decay, in house, or land; and what doth a horse, or house yield by keeping unlett?

Greg. of Nyssa, in his 4th Hom. upon Ecclesiasticus, elegantly delivers himself in these terms: 'Fenus qui aliud latrocinium et parricidium nominaverit, &c. Whoever shall stile Usury a second robbery, or murdering of a parent, will say no more than becomes. For what matters it, whether you break a house as a thief to seize another's goods; or assassinate a man upon the road to take what he has; or whether by necessity of paying use-money,

you get what appertains not to you? God said to the living creatures, be fruitful and multiply. But the brood of gold, of what matrimony does it come? What mother gave it conception?" &c.

Ans. Who sees not, how enormous the Usury must be, against which S. Gregory declares, with this eloquent flourish? But if no murder of parent, no robbery, no assassination, be incident to the putting out of money, this cannot be the Usury, at which he aims. A just contract is the matrimony, from which the brood of lawful interest comes; publick conveniency is its first parent; whereas the Usury against which he inveighs, was, (they are his words;) 'conceived by avarice, brought forth by iniquity, cruelty being the midwife.'

S. Chrysostom, Hom. 57. upon S. Matth. appears much of the same mind; 'Quid irrationabilis quam ut sine agro, pluvia, et aratro, seminare contendas?' &c. What more irrational, than to sow without land, rain, or plow? I give, and grant, says the usurer, not to have and to hold, but to have more returned.

Ans. Granting it were a madness to sow without land, rain, or plow, as it were, to sow in the air; yet I am of opinion, that neither the Saint, nor any other would deny; there are other ways of just gain, without land, rain, or tillage; whereof one is, the putting out of money at use. In the words of the usurer: I give and grant, not to have and hold, but to have more restored; Usury is both exposed, and condemned; for in the terms giving and granting, is expressed an Usurer's lending, in order to receive more thereby; and that more, was at the immoderate height of that age.

I close this chapter, entreating only the reader, to consider, whether these, and like allegations, are not equally against all princes, exchequers, and banks in Christendom, beginning from that at Rome, which ought to be a president as to conscience? For though such as place their money in the bank of Rome, to take away even the shadow of meer lending, cannot call it in at pleasure, yet they may sell the pension, or interest they duly receive; and so reimburse themselves of their principal; and there never being scarcity of buyers, it comes to be equivalent to the power of calling it in; which being so, I hope Du Tertre, and his adherents, will grant Rome to be no less versed in scripture, and the obliging authority of Holy Fathers, than themselves; and yet not so presumptuous, as to run, and act in opposition to the said authority. It remains now to discuss, whether it succeeds better with him, in his pretensions to Popes and Councils?

CHAP. XV.

Of the authorities of Councils.

The quotations taken out of the Decretals, and some Synods, make me suspect, that either Du Tertre, understood them not, or mistook the question. The cause of this my apprehension will appear, in the examination of what he produces.

"I say not," says he, "that the council of Nice, chap. 17. Forbad Usury to the clergy, each one interpreting the place, in his own sense; but the council of Carthage hath prohibited the clergy to exact interest of any kind: c. 16. 'Nullus Clericorum amplius recipiat, quam cuiquam commodaverit,' Let none of the clergy receive from any one more than he lent."

Ans. Much to the purpose; to receive more than is lent, and on the score of lending is Usury, so that the definition of Usury, has the councils liking. Yet what if the council, should have forbid their clergy to putt out mony at use, as improper to their calling; it nothing concerns the layety nor questions its justice; but now it is in practice with clergy, as well as layety. Wherefore Doctor Gage's president of the English college at Doway, being demanded by a person of quality, of the opinion of his community, as to the case, with great ingenuity answered, they were divided; for such as had mony to put out, thought it lawful; such as had none, were against it.

What he brings out of an Epist. of St. Leo, to the bishops of Campania, is much of the same strain, the Pope orders punishment for those, who practise Usury, and strive to grow rich by it. 'Qui usurariam exercent pecuniam et foenore volunt ditescere.'

Ans. Had Du Tertre proved the common practice Usury; this and the rest might have been serviceable to him. But to suppose it to be Usury without proof, and then to condemn it as proved, is not fair, but a sort of juggle, to amuse the unlearned with quotations.

Gratian is cited in the second part of his Decretals, cause 14. q. 3. c. 4. who out of an ancient council of Agde, held the 6th century, An. 506. Defines Usury, 'Usura est,' &c. Usury is when more is required than was given; as for example, if you give 10s. and require more back, or a bushel of corn, and exact somewhat above.

Ans. Giving is taken there for lending, and that to the poor, as may be gathered from the smallness of the sums; besides in reality, in our case, one receives no more, than he gives; for a yearly improvement, being worth at least five per cent. of this he's

made master, who receives the principal. So that even in compliance with the decision as it lies, no more is taken than given.

This is all, the author could pick, out of ancient councils, against which, he apprehending length of custom had prescribed, he passes to later decisions. A transition which betrays, either shallowness, or prevarication, as to the cause he undertakes, since custom is the best interpreter of law, lib. 37. ff. 'de legibus optima legum interpret est consuetudo.' Now Usury being against the law of God, no custom can prescribe against the said law, but it has prescribed in favour of the common practice, as he apprehends; therefore the common practice can be no Usury; and if custom of time passed, could prescribe against the ancient, why may not present custom prescribe against what he quotes of fresher date? For that both clergy and regulars, take up, and put out money as occasion requires, it is too well known now a days, to be denied.

Little or nothing therefore to his purpose, being to be gathered out of general councils, Du Tertre passes to provincial Synods. In that of Milan under *Pius Quartus*, it is forbid to take interest, upon any account whatsoever yearly, for money offered to be paid in. In that of Mecklin in the time of *Pius Quintus*, 1566. Du Tertre seems to triumph, though of no general obliging authority. Its decree is, 'Synodus statuit et ordinat ne quis tutor,' &c. The Synod decrees and ordains that no trustee, or guardian, under pretence of increasing the patrimony of their pupils, lend the said pupilla money to receive yearly, a certain lucre above the principal, with power of calling in the said principal, declaring such bargain to be usurious and that against such lenders as usurers, to be proceeded to punishment, as prescribed by Canons.

Ans. The Synod of Milan determining only as far as cited by Du Tertre, in the case money be offered to be paid in, rather allows, than disallows interest for it, when not offered to be payed in, or when it is put out, according to the rule, 'Exceptio firmat Regulam in aliis;' but the Synod in express terms agrees unto it, when granted by law, closing its prohibition, 'Nisi quatenus jure nominationis permittatur.' In so much that Bonac, though a Milanese thought it not worth his while, to take notice, of what no ways opposes his, and our opinion. Bail therefore the learned compiler of Councils, tom. 2do, pag. 492. judges the council to be no ways in force against the common tenants; for were it, he rightly instances, 'Cur ergo Bonacina, et alii scriptores hujus provincie, plures ex hujusmodi casibus licitos tutati sunt sine cujusquam offensione?' Why then has Bonacina, and other writers of this province, defended many of the cases mentioned in the council, without offence to any?

The Synod of Mecklin, in the sense Du Tertre wrings it to, is not excepted of, in the very province, which only it could oblige, as appears from constant practice. For my part, I guess the decree strikes, at deceitful trustees, and guardians, the word under pretext denotes as much. They commit Usury, in taking money for lending; expressed twice in the decree, they cloak it under a specious pretext, of the orphan's profit, and it is no wonder if such practices be condemned by the Synod. Setting aside this or a like gloss; the Synod would pass for extravagantly uncharitable, in forcing orphans, to live from their infancy, upon the principal, to the begging them, when come to age; wherefore even our statute laws, though judged by some dubious in the point of loan, allow the putting out orphan's money. On the other part with what conscience can a guardian expose his pupil's money, without securing the principal, and power of calling it in?

Trustees therefore may put out their pupil's stock, so it be effectually for their profit, as it is done without reclaim either of church, or magistrate, taking always such methods, as may exclude not only the intention, but all appearance of Usury. Hence Lessius, not long after this Synod, writing in that same diocese, makes no mention of this decree, but justifies the way of putting out orphan's money; and though, he thinks fit it should be forbid for the future, I conceive, he added that clause, for fear ignorance might be an occasion to some of committing Usury, by taking interest purely for lending, which without Usury, might have been bargained for, on other accounts, and in due forms.

The assemblies of Melun, Bordeaux, and Rheimes, are fully answered, by what has been said, and the practice of all France, in case of real opposition, overways in authority, those few particular Synods.

The assembly of Melun, Du Tertre tells us, repeats the words of that of Milan, concluding with the saying of Christ, Lend hoping nothing thereby; the like doth that of Bourdeaux. The council of Rheimes, of greater authority, as being approved by the Pope, clearly allows the doctrine delivered hitherto of Usury, in these terms, Tit. de scœnore: 'Cum sacræ litteræ excludant eum a divino tabernaculo, qui pecuniam dederit ad usuram, aperteque nuntient, ut mutuum demus, nihil inde sperantes: quisquis præter sortem præcipuam ex mutuo aliquid amplius exegerit, vel acceperit, cujuscunque generis illud sit modo pecunia estimari possit usurarius esse censetur.' Since the holy scripture, excludes him from the tabernacle, who gives his money to Usury, and manifestly declares, That we lend hoping nothing thereby; whoever shall exact, or receive above the principal of what was lent, of whatsoever kind it be, so it be worth money, let him be judged an usurer. Remark

well the expression, 'for what was lent;' there lies the stress: but what council, or assembly ever say, that money put out, as in our case, is money lent?

CHAP. XVI.

The authorities of Popes.

Alexander the III. having condemned usurers in the councils of Tours and Lateran; to the case of the archbishop of Genoa, proposing the dealings of some merchants, who sold dearer for retardment of pay, writes thus: 'Licet contractus hujusmodi, ex tali forma non possit censi nomine usurarum, nihilo minus tamen, venditores peccatum incurrunt, cum cogitationes hominum, omnipotenti deo nequeant occultari.'

Ans. What could be alledged less favourable, to Du Tertre's purpose? For the Pope seems to excuse from Usury, what divines condemn for such; 'though such contracts,' says the Pope, 'as to their forms, be not to be held usurious, yet those that sell after that manner, sin;' whereas divines, affirm to be Usury, to take any thing for pure delay of payment; the said delay being essential to lending. The Pope's meaning then I take to be, that such a contract, cannot be prosecuted in the exterior court as usurious; yet that such dealers, for the ordinary sin, by forcing those, who cannot give present money, to pay for the forbearance, which is plain oppression, arguing an usurious intention of gain, such to have been his holiness meaning appears from the ensuing clause: 'since the thoughts of men, cannot be hidden from the omnipotent God;' if this wise Pope was so cautious, as not to condemn for express Usury, interest for pure forbearance; would he approve the forwardness of some, no Popes, in condemning of Usury, an interest settled by common agreement, or by covenants, and titles thought just by divines? One of these is the danger the seller undergoes, of losing both his ware and price, with the trouble in recovering it, and that consideration on this score may be taken, is not only the opinion of Iconnes Martinez de Prado, tom. 2. Theolog. Moral. c. 27. §. 2. Citing 16 more, but before him of the learned Sylvester, master of the sacred palace, and eight others quoted by him, insisting on the doctrine of their great master, St. Tho. Opusc. 73. c. 10. 'Si enim venditor rem suam,' &c. If a seller intends to sell dearer, not for the time only, but for the damage like to befall him, or to redeem the vexation, probably to be suffered, in recovering his debt, either by reason of the malice, or impotency of his debtor; then he is excused from sin.

To Urban the III. three like questions were proposed, cap. 'Consultit,' whether those were to be looked upon as usurers, who sold dearer by reason of staying for their money? Or those who tacitly intended it? Or finally those, who would not release the buyer, without drawing advantage on that account? The Pope declares them usurers, as sinning against the command. 'Lend, hoping nothing thereby.'

Answ. Voluntary forbearance, is equivalent to lending; and therefore the seller is no more obliged, to forbear, than to lend; but in case he forbear, he doth as good as lend, and in that case sins against Christ's precept. And this is the full of the Pope's answer: he makes no mention of any other title, as the prejudice ensuing to a tradesman, and hinderance of gain for want of his money, or the danger of no pay, or the losing all; these are considerable, and it is but just the buyer should make them good.

Leo the 10th in the Lateran council, having alledged Christ's words, 'Lend hoping nothing thereby,' concludes; 'Ea enim est propria usurarum interpretatio, quando videlicet ex usu rei quæ non germinat, de nullo labore, nullo sumptu, nullo periculo, lucrum fetu conquiri studetur.' For this is the proper interpretation of usuries, viz. when one studies to gain, and receive profit from things which are unfruitful, without labour, without expence, and without danger.

Answ. I should think the author had made it his employment to cull out places, to the settling what he pretends to overthrow. The Pope in that Bull, silences the zeal of such, as impugned the Mounts of piety, as usurious, having premised the reasons invented by them; of those reasons, one is contained in the words, which Du Tertre, either by oversight, or disingenuity, makes to be the Pope's. Whereas His Holiness, having related the arguments of such, as disapproved of the Mounts of piety, as usurious, encourages the erecting of them, by granting indulgencies; and who shall either by word or writing, preach or dispute against them, he makes liable to the punishment of excommunication. 'Latæ sententiæ, nullo obstante privilegio,' That is, *ipso facto*, to be incurred no privilege whatsoever withstanding it. What greater evidence of this Pope's judgment of the invalidity of their reasons, and amongst the rest of this objected, which Du Tertre inconsiderately brings for the Pope's, though rejected by His Holiness? But Du Tertre would appear somebody.

To answer reason with reason. That money cannot fructify, has often been denied, and is apparently untrue, in the gain to be made in purchasing good pennyworths; insomuch after all, Du Tertre himself, pag. 134, and 135. acknowledges that saying to be verified only of money lent, which being no more the lender's, but the bor-

power's, can yield nothing to the lender; by reason, 'Res fructificat Domino.' The thing fruits to its owner, and so far he is in the right; but seems not to reflect, that it may fructify before it is lent, and then to bargain for what it may yield, is no lending, nor Usury. Nor is it without labour, expences, and danger, that money is lett out. What labour in getting it? In preserving it? To omit lesser cares and troubles, in drawing up deeds, counting? &c. The want of its profit, is it not a sort of charges? The danger of damage, the exposer of his money, takes upon himself, which may happen from frequent casualties, for want of his money, as in accidents of fire, sickness, imprisonments, war, or the like; is it not very sensible? And where is the principal? And yet by confession of those very divines, no Usury where such causes intervene.

But Greg. the 9th. excludes even the danger of losing the principal, from being a good title. Cap. 'Naviganti vel eunti ad nundinas,' &c. The person lending a certain sum of money, to one that puts to sea, or goes to a fair, receiving somewhat above the capital for taking upon himself the danger, is to be judged an usurer.

Ans. How doth this cohere with the objection of the precedent pretended authority? There it is required there be no danger; here, even in case of danger, it is made Usury to take interest. Bernartius cited by Laym. n. 13. de 'Usura,' suspects a mistake of print, by the omission of a Non. So that in the place of, 'is to be judged,' ought to be read, 'is not to be judged.' This is clearly gathered from the connexion, as you may see there. If this like you not, even take the words as they lie. He that lends ventures the danger of losing; so that to bargain for that danger, by way of insurance, is either not to lend, or taking for the danger of what is lent, is Usury.

Innocent the 3d. declares Usury to be against both Testaments.

Ans. We say it is also against the law of nature, and by its being so, we have evinced, that the putting out money, as in practice, is no Usury.

To make an end of tiring my reader with these and like citations; custom, the best interpreter, of authority, and the definition of Usury, by which all Usury must be tried, are fully sufficient, to solve whatever objection. I have not made it my business to trace Du Tertre, step by step, he is ever upon the wing, and rather flutters, than walks to amuse with the noise of his prones, where he cannot convince with reason, himself presumptuous, inflicts that character, upon three divines of known ability, Medicina, Lessius, Valentia, pag. 138. where he abuses his reader, by imposing upon Lessius very grossly, as will appear to the examiner, from whence I guess, how he treats the others, which I have not by me. To

what purpose, pag. 145. doth he unite opposits, as Lessius, and Valentin, with the author of the letter he impugns? Is it any wise astonishing, that opposits should contradict one another? His inference, that the danger of the principal is greater, when in the hands of the poor; therefore more may be taken from them, than of the rich, is a pure inference of his own brain, without premises. Who commits any considerable sums to the poor, and knows he not that interest taxed by law, cannot be exceeded; and that this only increases, as the sums putt out do, less for little sums, and more for greater? The law therefore is favourable to the poor, where the danger of the principal is greater.

Who will not smile at the man's eloquent simplicity, pag. 144? Where after pretensions to universality, after having in one leaf, no less than thrice rallied up fathers, popes and councils, by way of crowning all he tells you, 'that many learned doctors of Sorbon, and of the faculty of divinity of Paris, among which, were the most illustrious curats of that great city, have signed the common sentiment of the church in the matter of Usury.' I suppose in condemning the common practice.

Ans. Was it their signing that made it common? Or if common before, what need of their signing? They signed then what was not common to all, and what he would make common. But how? By the signing of many. He says, not by the signing of all; he says not of the greatest part, the opposit then, might be as common, as what they signed. Many doctors therefore, and they doctors of the Sorbon too; many curats, and they curats of Paris too, with whole towns, and provinces in France, practising what he abusively stiles Usury, are of poise enough, not only to counterbalance, but to outweigh the authority of his many doctors and curats, as to the common sense of the church. And the bishops of France, are they to be slighted, because silent lovers of peace, and enemies of novelty? Can they be thought to be less concerned for the good of souls, or less knowing than some curats of Paris? And their silence, is it not a loud rebuke, to his many? And the divines of other nations, are they to pass for shadows? With all respect due to the Sorbon, be it said, other countries, have given, and daily afford to the world, men as eminent for learning; why not then to be relied on, as well as his many? For which we have his bare word. England alone has oftner given masters to the Sorbon, than the Sorbon to England.

Perchance Du Tertre might have insisted, as some of late have done, upon the propositions condemned by Innocent the 11th, Anno 1679. I therefore set them down, leaving to the reader, to judge how far they affect our case.

The 24th proposition runs thus: 'Usura non est, dum aliquid ul-

tra sortem exigitur, tanquam ex benevolentia, et gratitudine debitum, sed tantum si exigitur, tanquam debitum ex justitia.' It is no Usury if something above the principal be exacted, as due by way of benevolency, and gratitude, but only as exacted by way of justice.

Ans. The proposition is deservedly condemned, and condemns itself. For a benevolence, or spontaneous act of gratitude, cannot be said properly to be due, and therefore to exact it as due, is injustice; and if for the use of a principal lent, it is Usury. To receive a benevolence, or gift by way of gratitude, is not condemned. Nay to exact a gift once made, is not even injustice, it being his, to whom it is given; now by the general agreement this gift is made, antecedently to the putting out money, it may therefore be required; besides, the proposition reaches none of the fore-mentioned ways, or titles, for which interest is due, by way of justice.

The 41st proposition is: 'Cum mutuata pecunia sit preciosior numeranda, et nullus sit qui non majoris faciat pecuniam presentem quam futuram, potest creditor aliquid ultra sortem a mutuatario exigere, et eo titulo excusari.' Since money lent, is better than money to be payed, and that there is no body, who doth not esteem present money, more than future, the creditor upon that account, may require something above the principal, from the borrower, and so be excused from Usury.

Ans. Condemnations being 'stricti juris,' fall upon propositions precisely as they lie; now this proposition taken as it is worded, is both scandalous and false. For one that lends, parts with present money, upon future repayment, a token they are equal, at least, in his esteem. Is he nobody? Besides, difference of time, alters not the worth of money. Whence it ensues that to ground a title of receiving interest, upon so clear an untruth, and futurity of repayment, essential to lending, is to excuse taking interest for lending, which is scandalous, and therefore justly condemned.

To the aforesaid propositions, may be added the 47th. Among those condemned by Alex. the 7th. 'Licetum est mutuanti aliquid ultra sortem exigere si se obliget ad non repetendam sortem usque ad certum tempus.' It is lawful for a lender, to exact something above the principal, provided he oblige himself, not to call it back, for a set time.

Ans. Who sees not, that such a lender would have interest, for a pure forbearance, which is flat Usury, as we have often affirmed, and follows from its definition. So that the propositions condemned by the late Popes, leave our case untouched. And no ways oppose what has been said for the lawfulness of putting out money, considered as was promised, as to the law of nature, scripture, and church.

I should not have concerned myself in an answer to Monsieur Du Tertre's book, long since printed, and I question not, but already answered, by some of his own nation, had not his penies passed the seas, and appeared with no other weapons than his, to the terror of timorous souls, and perplexing of consciences.

CHAP. XVII.

The Conclusion.

To conclude as I prefaced. Having presented the reader, according to promise, with what your reformers, in the point of putting out money, have to say to us, and we in answer to them, let him call a Jury, of his impartial thoughts, to the case of putting out money, and upon evidence, brought in against it, let him condemn it, of Usury. But if no evidence appears, possession of its innocency still holds, grounded in agreement, and custom, upheld by Judges, justified by divines, upon several titles, and generally practised. If scripture, church, and fathers inveighing against Usury, reflect not upon it, if the law of nature disallows it not, let it be cleared at the bar of, unbiassed reason. Let the practisers make conscience of real sins; let them of their just gains, be charitable to the needy; let them hope no increase for lending, but from God; yet at the same time, they are rightly informed, they have no obligation of prejudicing themselves, but a duty to improve honestly the talents God has left with them, by putting them out at an easy rate. It is a service they owe to the publick, for which we are born. Such as scrupulise at it; let them much more make conscience of judging others. Let them be careful, lest upon surmises of Usury, or rather under a false pretext, they become slaves of avarice, make their coffers temples, and money their idols; by so doing, they clip the common stock; so that the share they have, goes no more, they cast trade into a deep consumption, by depriving it of its nourishment, and wholly cross the design of the general welfare of a nation, maintained by a circulation of money, as our bodies are, by a circulation of blood.

No less zeal was shown by some preachers, and divines, against the Mounts of piety, than since has been, by a few others, against putting out of money; when the Pope heading a council, in regard of the poor; and common necessities, judged fit not only to curb it, but when transported either to words, or writing, to excommunicate it as a disquiet to the Christian world. The rule of law, "Quod qui commodum sentit, onus quoque sentire debet," on which the Pope and council appear to ground themselves, is of no

less force in our case. The rule is : that he who partakes of a convenience, ought also to share of the burden annexed to it. It is for convenience money is taken up, the burden annexed to it is interest, which for just considerations, the law judges reasonable. It were a piece of signal temerity, to question the said Mounts of piety, and if the common practice have the same reason, even with some advantage, were it not too venturesome to condemn it? Would not the censure by parity of reason, equally affect both? And were not this to forfeit the respect, and submission due to Popes, the Lateran council, and Christendom in general? The ends of the Mounts of piety, is to relieve such as necessity compels to take up money at exorbitant rates; this also is provided for by the common practice, though not so fully, it being not easy to find money to take up; whereas the said Mounts are ever ready to supply; on which account they are to be wished for in this realm. The Mounts of piety, towards the maintenance of necessities, receive somewhat more, than current interest; with current interest alone, the common practice contents itself, the Mounts are secured of their principal; the common practice for most part leaves it hazardous. Is it the taking less? Is it the hazard that creates Usury? If not, how can that guilt be charged upon the common practice, and not the Mounts of piety? And to reflect upon them as usurious, doth it not betoken undutifulness, and more want of charity than provision of true zeal, more temerity than prudence.

The simplicity of the dove is to be guided by the prudence of the Serpent, Believe not every spirit, (says St. John, 1 Epist. chap. 4.) Too much austerity of doctrine, savours more of affectation, than discretion, and drives oftner at libertinism, than true reform, every one inclining to shake off the yoke, when rendered too heavy. Excess of rigor is a kind of Usury, in that it extorts upon conscience to the oppression of a weak brother. The way to heaven is narrow, we ought not to streighten it more; nor to lay stumbling blocks in the way.

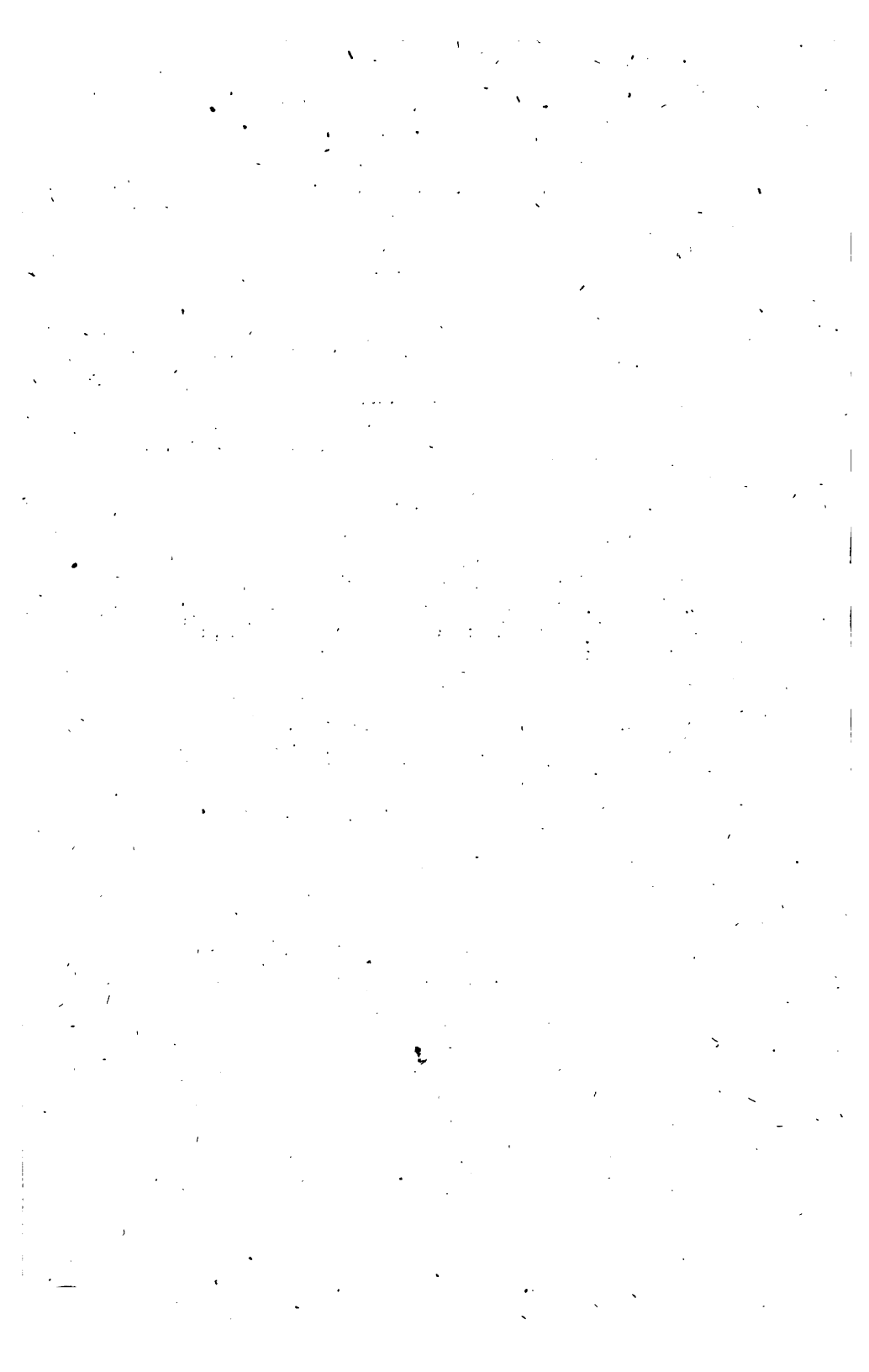
This was the sense of the most learned and illustrious order of St. Dominick, in the gloss upon the prologue, to their constitutions, Tex. 1. §. 3. to those words, "Cum ordo noster, &c. declaramus," &c. say they, we declare, that three things chiefly hinder the saving of souls: of these, the third is too much rigor, and austerity in counsels, and opinions, for men are so terrified with them, as to neglect the salvation of their souls; wherefore rigor and severity are to be relented, as much as may be, and men are to be treated with benignity.

Yet nearer to our purpose the great son of so wise, and religious a parent, St. Tho. quodl. 9. art. 15. in Corp. discourses it thus: "Omnis questio, in qua de peccato morali quaeritur," &c. It is dan-

gerous to decide a question, treating of a mortal sin ; if no express truth appears ; by reason the error, by which it is apprehended to be mortal, what is not mortal, binds under mortal. The express truth against the common practice, has not yet been discovered.

Du Tertre therefore, and those of his humor, should have taken and coned the lesson, being of so high importance, given them by the renowned chancellor, John Gerson, lib. 4. de Vita spirituali. Littera. O. pag. 3. Doctores Theologo, &c. Doctors of divinity, must not easily conclude certain actions, or omissions, to be mortal sins ; for by such wilful, rigid, hard, and too strict assertions, men are never drawn out of the mire of sin, but are plunged into another deeper, because more desperate. To what purpose then to render more bitter, and heavy the yoke of Christ, which is sweet, and the burden which is light ?

This had been much to Du Tertre's purpose, and perchance might have allayed his too fervorous rigor ; when, pag. 172. he pretends with a scrap or two of a holy father, to block up the way to heaven, and to exclude all merchants, and tradesmen from eternal bliss. And is not this to endeavour to render salvation and God's precepts morally impossible ? Or at least as impossible, as it is for human society to be maintained without merchandizing and commerce ? Doth it not reflect upon Providence, as establishing a religion incoherent with all trading, so necessary to the welfare and preservation of mankind ? It is a peculiar genius rules his pen ; whether for love of novelty, or to appear somebody in the world, or out of mistaken zeal, to correct what needs no amendment, it is not for me to decide. As to myself, whatever I have writ in defence of the common practice, I shall entirely submit to better reason, it is my duty so to do ; and having done what I thought my duty, to the quieting of conscience, in the case of putting out money, I end.



AN
ADDRESS

TO A
MEETING

HOLDEN AT

THE TOWN-HALL, IN THE CITY OF BATH,

UNDER THE PRESIDENCY OF THE

HON. AND RT. REV. THE LORD BISHOP OF GLOUCESTER,

ON

MONDAY, THE 1ST. DAY OF DECEMBER, 1817;

FOR THE PURPOSE OF FORMING A

Church Missionary Society

IN THAT CITY;

WORD FOR WORD AS DELIVERED FROM WRITING;

WITH

A PROTEST

Against the establishment of such a Society in Bath.

BY THE REV. JOSIAH THOMAS, A. M.

ARCHDEACON OF BATH.

FIFTH EDITION.

LONDON.

1817.

ADVERTISEMENT TO THE SECOND EDITION.

THE First Edition of this Address was published, according to the Title-page, as delivered from writing. It has been suggested, that, in justice to myself, I ought to say something about my threatening to call in the Mayor's Officers. The Address, as delivered from writing, could take in *nothing incidental*; and I could not calculate on being hooted, hissed, and insulted in the grossest manner, by a CHURCH SOCIETY, for executing my office! On being so treated, I used, to the best of my recollection, these words:—"I stand here, as Archdeacon of Bath, in the execution of my duty. Not all the hisses and clamour that you can utter shall prevent me from performing that duty; nor shall the business of your Society proceed, till I have said what I intend to say; and if you proceed to further outrage, I shall call in the Mayor's Officers."

I take leave also to observe, that the most violent clamour took place, when I repeated the words at page 218:—"BUT THIS IS A CHURCH OF ENGLAND SOCIETY!!!" I then spoke thus—"Is this a Church of England Society, or is it NOT?" No answer was given. I then demanded again emphatically—"Is *this* a Church of England Society or is it NOT? WHAT is it?" No answer again. I then said—"Well then, I will take it for a Church of England Society;" and proceeded in reading my Address.

I am also informed, that my quitting the room, without waiting for reply, gave offence. To which I answer, that I did not go to that meeting for debate—but to PROTEST against the purpose of that meeting. And, I apprehend, it is not usual for a person to wait for an answer to his own PROTEST.

J. T.

ADDRESS, &c.

MY LORD VICE-PATRON, AND PRESIDENT OF THIS
MEETING—

A CHURCH-SOCIETY holding a meeting within this city, and presided over by a Bishop of the Church of England, will, I presume, allow the right of the Archdeacon of Bath, to declare his sentiments on the subject of their Meeting. As I am not in the habit of attending such meetings, and do not chuse “to talk without book,” I beg leave to deliver my opinions from this paper; to which I can hereafter resort, if I see occasion.

I desire, however, before I proceed, that it be understood, that my attendance on this meeting is altogether *official*: and, therefore, as I conclude that I am addressing a Church Assembly, I shall speak as a Churchman to Churchmen; and if I should bring some strange things to the ears of many, they will be such as the Hon. and Right Rev. Vice-Patron, who presides over this meeting, cannot, as a Bishop, disallow; however obsolete they may have become through disuse.

However I may and do revere the piety and well-intending zeal of some individuals, whom I know to be members of this Missionary Society, I scruple not to express my convictions:

I. That this Church Missionary Society was originally unnecessary; because the Incorporated Society for the Pro-

agation of the Gospel in Foreign Parts, was, and is, in existence, and in action.

II. That several of the rules and regulations of this Church Missionary Society, and especially the means which it employs to increase its funds, are utterly unworthy of the name which it *would assume*—that of a Church-of-England Society.

III. That this Church Missionary Society tends to the subversion of ecclesiastical order ; and to promote and augment divisions among the members, and especially the clergy of the Church of England ; being plainly supported in conformity to the views of a NEW SECT in the Church : a sect, of which the adherents distinguish themselves by the names of serious Christians, and evangelical ministers.

IV. That the formation of a branch of this Church Missionary Society, in this city, will be pernicious ; because it will promote religious feuds *here*, as similar speculations have done in other places.—Of each of these in their order.

1. I said that this institution was originally unnecessary : —The Incorporated Society for the Propagation of the Gospel in Foreign Parts has been in existence and in usefulness, but, though a Church-of-England Society, little encouraged, more than a hundred years. It is probable that many of this auditory, in all respects qualified to be members of that Society, never heard of its name. To them I take leave to recommend it, not as a new project, but as an established and orderly system. And certainly the zeal and the liberality of members of the Church of England, would be more consistently employed in the support of that, than in the formation of any new Society.

2. I said that I considered some of the rules and regulations of this Church Missionary Society, and especially the means which it employs to increase its funds, to be utterly unworthy of the name which it would assume ; viz. that of

a Church of England Society. For example—Is it worthy of the Church of England, is it worthy of the members of the Church of England, to authorise persons to go about, collecting pence and farthings from servants, school boys, and apprentices, in order that the collectors of one shilling *per* week, or five shillings *per* month, may be elevated into members—of a Church of England Society? And, moreover, be tempted to the additional honor of voting at meetings, of receiving copies of the Annual Report and Sermon, and one number of the Missionary Register? This is the statement in Rule VI. of your Report: but I proceed to other matter.

3. I said that this Society tends to the subversion of ecclesiastical order; and to promote and augment divisions among the members, and especially the Clergy of the Church of England. Can a stronger proof of this assertion be offered than is, at this moment, exhibited before your eyes? Here you have the Right Reverend the Lord Bishop of Gloucester presiding in the chief city of the diocese of Bath and Wells, over the formation of a Society, which the Lord Bishop of Bath and Wells **DISCLAIMS**. Does the Honorable and Right Reverend Vice Patron of this Church-of-England Missionary Society know this fact? If not, by what rule, not of Apostolical authority, but of common propriety, does he invade the province of his venerable brother? By what right does he come hither, thrusting his sickle into another man's harvest? Perhaps he thought the husbandmen asleep! I trust that he will find us waking and watchful.—But if his Lordship *did* know the sentiments of *his* venerable Diocesan as well as mine, (for the Dean of Wells is as much under canonical rule as any other clergyman) I ask, if his Lordship *did* know the sentiments of his venerable Diocesan as well as mine, could he give a more decisive proof of his indifference to the dignity of

the high office, to which he has been but a few years consecrated, as well as of his contempt of ecclesiastical order?

BUT THIS IS A CHURCH OF ENGLAND SOCIETY!! Where are the majority of the Established Clergy of this city, and of the neighbourhood, that they attend not to support a meeting, convened under that assumption? Did they not hear of it? Was it possible for them not to hear of it? Did not the newspapers announce, not only the public meeting of this Society, but that, *to promote the views of this Institution a Sermon would be preached by the Hon. and Right Reverend the Lord Bishop of Gloucester, at the Octagon Chapel?* (I quote the very words of the advertisement.) I ask again, where are the majority of the Established Clergy of this city and neighbourhood, that they attend not to support this Church-of-England Society? Perhaps it may be said that the Archdeacon influenced their minds. The Archdeacon solemnly declares, that he has not communicated, nor authorised any person to communicate, to any one of them his intention to be here.

But I have said, that this Church Missionary Society is plainly supported in conformity to the views of a NEW SECT in the Church; a sect, of which the adherents distinguish themselves by the names of Serious Christians, and Evangelical Ministers. I go further. That this Society is in any respect calculated to promote the sober, orderly, manly, intelligent, and intelligible piety of the Church of England, I do utterly deny. I look at the names of the prime and principal promoters of this project; names, I allow, of the highest respectability on many accounts, but certainly of very little weight in the balance of the Church of England; since some of the parties, to whom those names belong, have not scrupled to communicate with those, who renounce her doctrines and discipline.

Do not imagine that I mean to speak with disrespect

of Conscientious Dissenters. I quarrel with no man for his religious creed. I love honesty, though I may think it perverse. I venerate Piety, though I may think it erroneous. But those respectable dissenters do not halt between two opinions; they are not of the Church to-day, and of the Meeting-house to-morrow; and we know their meaning. But do the ministers of any dissenting community go about proclaiming the insufficiency, the worldly-mindedness, and the want of gospel-zeal in their own brethren? Does any party of ministers, in any communion among them, assume to itself all the piety and all the virtues of their common function? or look down with supercilious horror on their less assuming brethren? Does any minister among the dissenters, intrude upon the charge of a brother minister, not only without leave, but in defiance of all denial? No.—These are perfections of religious zeal, peculiar to certain elect persons, who have set up this, and some other institutions, calling themselves Serious Christians, and Evangelical Ministers.

Serious Christians! What? Is no man in earnest respecting the mercies of God in the redemption of mankind? is no man serious in his faith, and earnest in his religious and moral duties? has no man a regard for the salvation of souls, except this PARTY?

Evangelical Ministers too! Why more evangelical than their brethren—who have received the same Apostolical ordination; profess the same faith; have taken the same oaths; use the same form of sound words in the services of the same Church; and exercise the same priesthood at the same altar? I speak to members of the Church of England, (for such by the title of the meeting I may fairly conclude all present to be :) and I ask, in what sense, but as the Shibboleth of a Party, this exclusive title of *Evangelical* can be assumed by ministers of the Church of Eng-

land over their brethren? over men, in every respect, whether of piety, of morals, or of learning, *at least*, their equals? I ask, why I cease to be a true minister of the gospel, because I disdain to join a Sect, whose disorderly proceedings I disapprove.

Respecting this Church-of-England Missionary Society, I beg leave to call the attention of the meeting, to two extraordinary circumstances :—*First*, that on looking over the list of vice-patrons, I see the names of *only two Bishops* : one, The Hon. and Right Rev. prelate here present ; the other, The Right Rev. the Lord Bishop of Norwich ! Now, if this Society were founded on principles so firm and so evangelical, by what fatality did it happen that the other bishops did not join it at first ? Nay, how comes it to pass, that they have not *come in* on conviction ? I can readily account for the reluctance of a man to tread back the hollow and rotten ground over which he has travelled : *but this reluctance to set foot on firm ground* ; on the ground of the Church of England ! this is a mystery too deep for me to fathom.

Secondly, The next extraordinary circumstance is, that among the list of High Persons on THE REPORT of this Church-of-England Missionary Society for THE EAST, I see not the name of the only person, who can give either order or consistency to their proceedings in that quarter of the globe. I mean the truly learned and sound BISHOP OF CALCUTTA.—What ! was that great man solicited to take under his care and controul—which, as the Hon. and Right Rev. Vice-Patron knows, the Church of England would demand—was that great man solicited to take under his care and controul the pious missionaries, who should be sent into his diocese from this Society ;—and did he refuse to receive them ? Or, did the steady adherents to the Church of England, who projected this Society, never

apply to his Lordship for that purpose? I profess myself utterly ignorant on both these questions. But of this I am certain, viz.—that “the concerns of the society in the north of India” are stated in the report under the article **MISSIONS**, to be under no other authority or controul, than “the management of a Corresponding Committee.” A Church of England Missionary Society, under the **MANAGEMENT** (that is the word) of a **CORRESPONDING COMMITTEE**! I have indeed heard, but I will not assert it as a fact, a circumstance that would solve these difficulties; to wit, that the leading persons of the London Missionary Society, which consists of persons of *all kinds of religious persuasions*, are on the best of terms with the leading persons of the Church Missionary Society for Africa and the East. This circumstance, if true, would also account for other circumstances in the history of restless and disorderly pietists, compassing sea and land to gain proselytes; and disturbing their own country with religious contention.

4. I now proceed to the last consideration, viz.—That the formation of a Branch Society in this place, would be pernicious.

The peace of the city is hardly yet restored, from the confusion occasioned by a religious feud; in which (where the blame lay is no question at present) but in which, the Rector was not only insulted, grossly insulted, in the performance of his duty, in his own parish-church; but was compelled to resort to the police-officers to protect him from personal outrage. For my part, I declare my opinion, that if you proceed to gratify the same **PARTY**, who generated that feud, with the triumph of a Church Missionary Society, in the furtherance of which that party is chiefly interested, *and they too are members of the Church*, you will renew the feuds, which may otherwise sink into oblivion; and will render Bath, like a neighbouring city, a hot-bed of Heresy

and Schism. And sure I am, that the mischiefs which you will occasion at home, will never be compensated by any good that a Society, so formed and managed, can do abroad.

Permit me here to observe, that if any person supposes me to be hostile to the *professed* object of this Church Missionary Society, viz. the universal diffusion of the knowledge of the mercies of God in Christ Jesus; he totally mistakes both my principles and my character. The *professed* object of this Society is, I trust, as dear to my heart, as it is to the most zealous of your members; as it is to the Honorable and Right Reverend Vice-patron himself. But that grand purpose will never be furthered, much less accomplished, by such means, as are offered or afforded, by an irregular association like this: an association of a character so equivocal, that had not the Lords Bishops of Gloucester and of Norwich honored it with their exemplary names, it might as well be supposed a Church-of-Rome Society, or a Scottish Kirk-Society, or a Swedenborgian Church Society, as to pertain to the Church of England. No—The conversion of the heathen to the faith of the Son of God, must be founded, as at the beginning, on a system of ORDER and of UNION; ministered by men duly qualified, and orderly consecrated to their holy office. On such a system, and on such men *alone*, can the Grace of the Eternal Spirit, the God of ORDER and of UNITY, and not of confusion, be reasonably expected to descend. The ground-work, and little more than the ground-work, of such a system is now laid in the East, founded on a regular apostolical commission, under the superintendence of a sound apostolical Bishop. But with neither of these, it seems, does this Church Missionary Society hold communion! But, whether that be the fact or not, I call on you,

as members of the Church of England, to look to that Church.

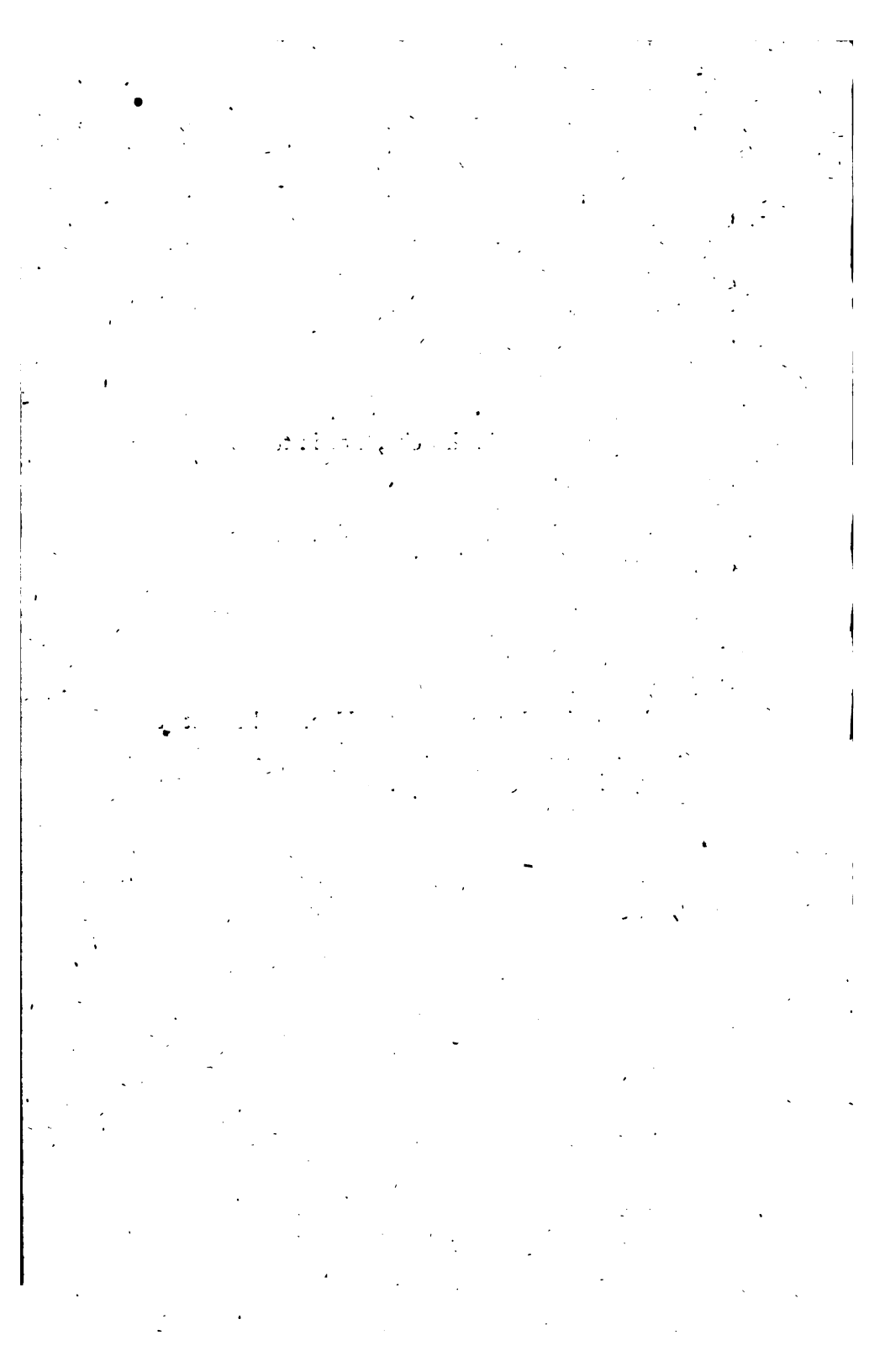
You are summoned hither to discuss the propriety of establishing a Branch of this Church Missionary Society in this city; under the patronage, not of the Lord Bishop of this diocese, but of the Lord Bishop of Gloucester; who, himself, as Dean of Wells, owes canonical obedience to the Bishop of Bath and Wells; and who, moreover, has no manner of jurisdiction in this city, nor in this diocese, beyond his deanery.

As Archdeacon of Bath,—

In the name of the Lord Bishop of this diocese—in my own name—in the name of the Rectors of Bath—and in the name of nineteen twentieths of the Clergy in my jurisdiction—

I PROTEST against the formation of such Society in this city.

Whether, or in what manner, the Hon. and Right Rev. Vice-Patron and his friends will condescend to notice this PROTEST,—I shall not stay to see.



AN
ADDRESS

TO THE
GUARDIAN SOCIETY.

LONDON.

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ADDRESS

TO THE

GUARDIAN SOCIETY.

GENTLEMEN,

It has been frequently asserted, that London is the most charitable place in the universe. That larger sums of money are subscribed and collected for public charities in London than in any other city, is, I believe, without doubt; but that these sums are always well and properly applied will not, I am afraid, be so readily admitted, or so easily proved.

In stating this, however, I have ~~not~~ the most distant intention of imputing any blame to the very respectable individuals who, in these cases, step so generously forward to give their services gratuitously in the arrangement and direction of these charities, nor of charging them with any intentional abuse of the funds committed to their charge; on the contrary, I have every reason to believe that these trusts are, in general, conducted with the utmost honour and probity.

It is to the grand stile in which these charities are arranged and managed, and to the great expense incurred in outward show, that I refer; and I think that every one, who gives a glance at the elegant and expensive buildings erected for these purposes in almost every quarter of this extended metropolis, or who takes a slight inspection of the great establishments within these buildings, will join me in suspecting that where so much has been expended on these, a great deal cannot be left to be applied to the real purposes of the charity.

Even in those associations for charity where no buildings have been erected, so much is expended in public meetings, salaries of officers and servants, expenses of committees, printing and advertisements, etc. that comparatively little is left to be applied to the purposes for which the Society was instituted, and the consequence is, that the real good done is not at all in proportion to the sums raised.

Besides, I suspect that, in many cases, the objects of these charities and the ends proposed to be attained are not of that utility to justify the sums expended upon them, and in some the latter are actually impossible to be accomplished at all.

In fact, a number of these charities are only known to, or heard of by the public at the annual meetings, when a flaming report is made, a dinner had, and a fresh subscription for their support entered into; and then they sink into oblivion until the next occasion.

In this respect they have frequently reminded me of comets, those erratic wanderers in the heavens. A comet is visible to the inhabitants of this earth, only on its approach to the sun and for a short time after it has passed that luminary, when it shines with great splendour, and then, rapidly flying off into boundless space, completely disappears until its next periodical visit. In like manner these societies are heard of for a short time previous to the annual meeting; at the dinner they dazzle the public with the effulgence of their brightness; they continue to do so for a short time after, becoming dimmer and dimmer, until they sink into utter darkness and oblivion, and only appear again when the revolving year brings round the stated period.

Among these meteors, these shining inhabitants of the sky of charity, your Society made last season a most conspicuous figure. The professed object was popular, and the times were extremely favourable for its introduction. After twenty years war the country found itself at peace with all the world, and so at leisure to turn its attention to objects of internal police; the newspapers were at a loss for subjects to fill their columns; and the city of London had got a chief magistrate of a particularly active turn, and fully disposed to do all the good in his power. The consequence was, that the moment a meeting of the Guardian Society was advertised, the subject was taken up with the greatest keenness; the daily and weekly papers were filled with paragraphs and letters; the Lord Mayor set the police-officers in motion, crowds of the unhappy objects who infest the streets were taken into custody, and committed to Bridewell for a period; the meeting was most numerously attended, a report was read, which was afterwards printed, and a number of flaming speeches were made, which were copied almost at full length into all the newspapers. So that a

stranger, coming at that period to town, would have concluded that in a short time, London would be the purest city in the universe.

What was the result of all this, however ! Why, that, in a short time, within a little month, the papers dropped the subject, and the business was forgotten ; nay, in spite of the continued exertions of the Lord Mayor, the streets soon became as much infested as before ; and no more was heard of the Guardian Society until lately, after a long lapse another public meeting having been fixed, advertisements have begun to announce it, and I presume the same exhibition will again take place, and end in the same manner.

The ostensible object, for the accomplishment of which your Society has been established, is of such importance to the prosperity, happiness, and well-being of general society, that you would be entitled to the assistance and support of every good citizen and well-wisher to his country, were the plan you have laid down, and the method you have followed, at all adequate to the end proposed. It is, therefore, only from a deep conviction that you have taken a most narrow view of the subject, have adopted a most erroneous mode of acting, and are actually squandering your funds and time upon an impossibility, that I now take the liberty of addressing you, in order to endeavour to shew where you have erred, and to point out a most glorious field, where your exertions might be of the most essential benefit to society, and would confer immortal glory and renown upon yourselves.

Your Society is declared to be, "*for the preservation of public morals*," a most praise-worthy and highly commendable institution. But how do you propose to *preserve* the public morals ? Why, by "providing temporary asylums for prostitutes removed by the operation of the laws from the public streets, and affording to such of them as are destitute, employment and relief." This may be very well, so far as it goes ; but it is certainly going a very short way towards the preservation of public morals. Besides, it is not a novel plan, and, therefore, I do not think it at all deserving the high and extravagant praises and commendations that have been bestowed upon it. Already have we had the Asylum, the Misericordia, the Magdalen, the Philanthropic, the Penitentiary, the Refuge for the Destitute, and the Lock Asylum,—all these societies set out upon the same grounds, I believe, that the Guardian Society has done, to provide asylums for prostitutes, and to furnish them with employment and relief. Each of them made, at its commencement, almost as brilliant and luminous a figure as the Guardian Society. They still have their annual meetings ; but, except at those times, they are seldom or never heard of ; and even on these occasions they now shed a dimmer and a dimmer ray. With such precedents before them, it really appears surprising to me that the very respectable gentlemen, who have been at so much pains and

trouble to form this Society, did not take a more extended view of the subject, did not endeavour to make it more generally useful by embracing objects of greater utility. I wonder that it never occurred to them, that the better way to preserve public morals would be, by endeavouring to prevent women becoming prostitutes; instead of providing asylums for them after they had run their course.

I am the more astonished at this, because the report commences in that spirit. The second paragraph runs thus: "The extensive and multiform evils which result from the deplorable profligacy that abounds in this metropolis, must be known, felt, and lamented, by every Christian philanthropist! Ought we then to remain satisfied and inactive, while vice and wretchedness are pursuing their courses with rapid and destructive strides? While the quantum of female depravity is every day increasing, and the progress of crime is thereby accelerating in a thousand directions, are we not to interpose some friendly endeavours, on the grounds of true policy and pure Christianity, *to stem the destructive torrent, and to rescue as many as we can of our fellow creatures, of both sexes, from the fangs of the destroyer.*" Certainly, we are bound by every tie to do so; but it really does not appear to me, that the *destructive torrent* can be stemmed by opening channels for it to run quietly away, or that it would be of any consequence to rescue our fellow-creatures from the destroyer, if we allow him to satiate himself on them before we interfere.

In the fourth paragraph of the report it is stated that the Society have directed their attention to two important objects; the first is, "to discover the best means of diminishing the number of infamous women, who frequent the public streets of the metropolis." This is certainly a very important object, but it can never be attained by merely clearing the streets of their present frequenters, unless some effectual steps be taken to prevent their places being immediately filled by fresh victims.

Were a person to be attacked with the leprosy or scurvy all over the body, but which shewed itself principally on the face and hands, surely it would not be thought sufficient to apply a wash to these parts to take away the blotches upon them, leaving the rest of the body untouched. A quack might do so, but a regular physician would say, and say justly, that that would only be driving the distemper into the constitution. And yet this appears the very thing the Society are endeavouring to do with the body-moral of this metropolis; they are labouring to clear its face of some ugly spots and specks that have appeared upon it, without seeming to be aware that those blemishes are the consequences and symptoms of a mortal distemper, which is preying upon its vitals, and, if not speedily checked, will soon cause its dissolution.

I, therefore, conceive that I am perfectly correct in stating that the Society have, in their formation, taken a most confined view of the subject. And it appears equally clear to me that the Society are taking a most erroneous method of endeavouring to accomplish the object they have in view. I believe I might not limit it to *one* method; I think I could state several, but I mean to confine myself to one, because I conceive it to be most particularly erroneous, and that is, *the associating virtuous females in their labours*. I cannot conceive how it can possibly have happened, that so many persons of respectability, as your Society appears to be composed of, could allow their zeal to get the better of their judgment, their prudence, their caution, their knowledge of the world, so far as to induce them to consent to, far less to be active in promoting, so impolitic, so imprudent, so improper, and so hazardous a step. The reverend gentlemen, who have taken an active share in the Society, appear, in this particular, to have completely forgotten the precept of their divine master, so prominently stated by him, and so frequently repeated by his Apostles: "fly from temptation, avoid temptation;" nay, the very form of prayer taught them, "lead us not into temptation." A prayer which ought to be daily made by every virtuous female in this country, and should more particularly have been used by those ladies, who were requested to become of the committee, for this more than useless, this dangerous occupation.

The principal, and, indeed, only satisfactory reason given for the extreme severity with which females, who have fallen from the path of virtue, are treated in this country, is the necessity of separating them entirely from the virtuous, in order to prevent contamination. This it is, which drives them from their homes, their friends, and their connexions;—this it is, which makes them avoided, as if they had the plague. If a female of character is seen associating with them, or even speaking to them, she is immediately marked, as one who, if not already gone, is, at least, on the high road to destruction. The line, therefore, is fully drawn, and the separation complete.—What is it the Society have done and are doing? all in their power to break down this line. With, I firmly believe, a purely anxious desire to do good, they are risking doing a great evil. Not content with endeavouring to bring back lost women across this line themselves, they take virtuous woman to the other side of it for this purpose:—dangerous experiment!

A virtuous woman ought not only to be pure in body, but in mind; she should be kept perfectly ignorant of those things. But what has the Society done? Its own report will best state this, and is perfectly sufficient to justify all that I have asserted; it informs us, "that a committee of ladies, as most suitable for that department, had been appointed to superintend the internal affairs of the

establishment."—"That those ladies had instituted complicated inquiries as to the truth of the statements that had been received, taking as little as possible upon trust."—"Since the opening of the asylum, though the means of the committee have, in every respect, been limited, nearly two hundred forlorn objects have been admitted. From the investigation of these cases, *the ladies-committee have derived a considerable quantity of important, though afflictive information.* A part of it is submitted to the notice of this meeting."—"They feel themselves compelled, by a sense of duty, which they owe to the public, to state, what they found to be one of the most constantly operating, yet least known causes of the vice and misery which this meeting deploras, and which, it is hoped, with heart and hands they will endeavour to diminish. They will labour, however, to discharge this somewhat irksome duty with as much propriety and decorousness of expression as possible." and further on, it says, "*However difficult it is FITLY to write on such subjects;*" and, in another place, "*the committee will not impose upon the delicacy or harass the feelings of the meeting further.*" Can it be possible that any set of men could have been so infatuated, so bigoted, so blind, as to place their mothers, wives, sisters, daughters, or female acquaintance, in a situation to hear the tales of two hundred of most depraved wretches, of the off-scourings of the earth, of the sweepings of the streets,—to hear such tales, that they themselves find it irksome and a labour to repeat even a part of them, a part of the best of them, with any propriety or decorousness of expression, or *fitly*. I think it perfectly unnecessary to make any further comments on this; the thing speaks for itself most completely.

The object to be gained would have required to have been very important indeed, and the certainty of obtaining it very great, to have at all justified, or even excused, the adoption of such means. It appears to me, however, that the object of the Society's labours, even if they were crowned with complete success, would be, comparatively, of very little consequence. The title-page of the report states, that the Society has been formed to provide "*temporary asylums for prostitutes, removed, by the operation of the laws, from the public streets.*" Now, I believe, the operation of the laws never takes place until these women have behaved themselves ill, have got drunk and behaved saucily, have been attempting to pick pockets, or, at the very least, have descended so low in the scale of degradation as to be openly forcing their company and blandishments upon every man passing.—Bad, profligate, and abandoned, as the strollers on the streets have become; still this conduct is yet confined to a few, and many a poor woman is forced, by necessity, to walk the streets, who would sooner throw herself into the river than be guilty of it.

But, taking it for granted that the Society intend to extend their assistance to all the prostitutes who are to be found on the streets; and, supposing it possible that they could convert the whole of them, still they would have made very little progress towards the reformation of the public morals, and far less to their preservation. —Above twenty years ago the number of women in London living by prostitution was estimated at *forty* thousand; those who make a practice of prowling the streets do not, I believe, amount to *one* thousand. A few of those may have been accomplished women, who have fallen into that situation after having gone through several progressive gradations; but the far greater proportion are girls from the lower classes, who, having had a very confined education, have nothing but their personal charms to recommend them; and being, for the most part, seduced by young men of nearly their own class, who are unable to support them, they are, generally, almost immediately turned loose into the streets, where they soon sink into the lowest state of depravity.

The object of the Society's labours is, evidently, therefore, of very minor importance, even if complete success were to crown them; but I do not hesitate to declare it to be my most decided opinion, that it is perfectly impossible to be attained. Reformation of prostitutes, who have prowled the streets of London, who have been removed from thence by the operation of the laws!—as well might you attempt to wash the Ethiop white, or to take the spots out of the leopard's skin. I am convinced that that woman who has lost, not merely the delicacy, but the feelings of her sex so much, who has so completely degraded herself, as to wander the streets, offering her person indiscriminately to every man she meets, who has associated with the profligates of both sexes to be found there, and has wallowed in all their vices, can never again become fit to be a member of the society from whence she has been expelled. She may see the evil of her ways,—she may leave them off, and may reform,—but she never can recover that delicacy of feeling, that ignorance of evil, that innocence of mind, requisite to fit her for a companion to virtuous females. It is perfectly impossible,—as well might you endeavour to restore her body to its former healthful state, after it has been destroyed by dissipation, debauchery, and disease.

However amiable, therefore, however praise-worthy, the endeavouring to ameliorate the lot and to lessen the sufferings of these unfortunates may be, yet the attempting to restore them to their former place in society appears to be a hopeless project, impossible to be executed, and which ought never to be attempted. Indeed, I conceive, that, in doing so, the Society are completely wasting

their energies ; they are absolutely throwing away both time and money, which might be much better employed. In putrid fevers, there is a tendency to mortification, which, generally, first attacks the extremities, sometimes the fingers, but more frequently the toes. In these cases, when a medical practitioner is called in, he begins by getting quit of the mortified parts ; if the subject will bear it, he cuts them off, and then applies strong internal remedies to save the vital parts from corruption. What would be thought of a medical man, who, instead of following this practice, wasted his time and his talents in making local applications to the mortified toes, to endeavour to restore them to their former sound state, while he completely neglected the vital parts, which might otherwise have been saved ?

I hope and trust, that I am neither hard-hearted nor narrow-minded ; but I cannot help declaring, that I look upon those objects of the Society's labours, as mortified members of the body-moral of this country, which ought to be cut off, in order to preserve the yet sound parts from corruption ; and the more that I am convinced of this, the greater is my wish, my anxiety, my eagerness, to accomplish that object. If such be the effects of seduction and prostitution,—if every female, who falls a victim to these, be irretrievably lost to society, then is every inhabitant of the country without discrimination, whether he be a Christian philanthropist, or an infidel misanthrope, imperiously called upon to do his utmost to stem the destructive torrent, by preventing its being augmented by fresh victims, not by unavailing and fruitless efforts to drag those out of it, who have been completely overwhelmed in its deleterious stream.

If the Society, therefore, wish to do their country a real service, if they have any desire to immortalize their names, to raise their fame even above that of the successful advocates for the abolition of the slave-trade, let them probe to the bottom this dreadful distemper, let them find out the real cause, and let them exert themselves to have a remedy, or remedies, applied to it. Then, instead of merely receiving into their asylums a few hundred of worn-out victims, they may be the means of saving thousands of their fair country-women from a state of slavery and misery,—worse, much worse, than that of the African in the West Indies.

To facilitate their researches is the intention of my addressing you. For this purpose, I shall state what appears to me to be the great cause of this evil, and what the only effectual remedies that can be applied to it.

The great cause of this dreadful evil may be given in a very few words. It is the perfect impunity with which *Seduction* is allowed to be practised in this country.

It is certainly very surprising—nay, it is almost incredible, that, in Great Britain, a country which is not only held up as a pattern for the excellence and perfection of its laws, but extolled for its religious and moral character, there should be no punishment attached to the crime of *Seduction*. The penal statutes now fill a great many volumes, and in every session of Parliament additions are made to them, so that there is scarce a crime that can be thought of, for which a punishment is not provided; and yet, astonishing to relate, there exists no statute against, or punishment for *Seduction*.

Only two excuses suggest themselves for this neglect,—either that the crime is unknown in this country; or that it is but a venial one, from which no very bad consequences can possibly ensue.—Neither of these are, however, available. So far from its being unknown in this country, I do not hesitate to aver, that seduction of unmarried females is more practised, and openly practised, in Great Britain, than in any other civilized state in the world; and it is not confined to the wealthy, the great, and the fashionable;—to those who can afford to squander large sums in such pursuits, and to pay procuresses extravagantly; it has spread through every rank of society, and, more especially among the lower orders in London, the progress it has made, is dreadful beyond conception. Fashionable Beaux used to boast of their knowledge of intrigue, and of their success; but many a journeyman and apprentice could now be produced who excel them far in both. The early age at which those practices are commenced is shocking and disgusting;—a great deal was said in the papers lately, about a boy of eighteen having carried off a girl of fifteen, and having been traced to a house where they had been living together for some days; I have reason to believe, that such things happen much more frequently than the public, or at least the members of your Society, seem to be at all aware.

It is this licentiousness among the lower orders which principally contributes to fill the streets with nightly wanderers, and which has so very much destroyed the class of servant girls in London.

But seduction is not confined to the higher and lower classes of the community; it is unhappily making rapid progress in the middling class,—in that class, for which Britain has been so long celebrated,—that class which can only be found in a free country,—that class which has so long successfully opposed corruption in politics and corruption in morals, and which, alas, is now fast falling a sacrifice to both. As a proof of what I am asserting, I beg leave to recal to your recollection an incident, which will serve to shew how far seduction is now carried, and in what light

it is viewed. It was a case recorded in the papers of August 1815, of a young man, who attempted to carry off the daughter of a respectable merchant in the city; and, when opposed by her two sisters, persisted in his design; and at last drew a cane-tuck upon the crowd collected round. When he was carried before a magistrate, so far from being ashamed, he boldly avowed his intention, and apparently gloried in it. After lying a night in the Poultry Compter, he told the magistrate, with a sneer, that he was the son of a friend of his, and was much obliged to him for the lodgings he had provided for him. Had he met his deserts, he should have had those lodgings for life; and yet, for this outrage upon all decency and morality, he was not, by the laws of this land, liable to any punishment.

It is this prevalence of seduction that is the real cause of respectable females being now so little employed in shops or warehouses in London, and not the reason reported to have been quoted by a reverend gentleman, at the meeting, a reason which reflected no credit on the person from whom he had it, nor on him for repeating it. Had he made the inquiry of proper persons, he would have been told that no prudent or respectable parents, if they can possibly help it, will ever put their child to a public business in London; because, in such situations, it is now scarcely possible for her to escape pollution. A milliner's, dress-maker's, or haberdasher's apprentice is reckoned fair game by every high or low, young or old puppy in London, and she is beset and attacked on all hands. I rather wonder that some of the tales, that were told in the report, did not open the reverend gentleman's eyes on this head; they certainly do corroborate, very strongly, what I am now asserting. Many respectable tradesmen decline taking female apprentices on this very account; and if legal protection is not speedily extended to them, there will very soon be no respectable female found in such situations. It must be evident, therefore, that the seduction of unmarried females is too well known, and too much practised in this country.

Neither is it a venial crime; on the contrary, it is next to murder of the greatest turpitude, and of the most disastrous consequences to society. Nay, it is frequently a prelude to murder, and to murder of the deepest dye. How many instances have, of late, occurred of men murdering the victims of their seduction, and how many, indeed more frequent instances occur of these victims becoming self-murderers! Even when such dreadful effects do not immediately take place, what are the invariable consequences attending this crime? The unhappy victims of lawless passion are precipitated from a state of respectability, comfort, and happiness, at once, into the lowest pit of human misery. To-

day sees a young female starting up into womanhood, amiable, gentle, and affectionate, listening to, and obeying her mother's advice and her father's precepts, the pride of the one and the delight of the other. The breath of pollution infects her, and to-morrow sees her driven from her paternal mansion to wander the streets, without a habitation or a name, and to associate with wretches already sunk in the lowest depravity. Forced by hunger and nakedness to follow their practices, if madness do not instigate to immediate suicide, shame and disgrace prey upon her mind, and, aided by the effect of cold, drunkenness, and disease, soon put an end to her miseries, and she sinks unknown and neglected into a premature grave. Well may unhappy woman exclaim :—

Who steals my purse, steals trash ;

'Tis something, nothing ;

'Twas mine, 'tis his, and may be slave to thousands :

But he that *robs me of my virtue*,

Takes that which not enriches him,

And makes me poor indeed.

And this is the crime,—I beg pardon, sin, I should say,—which is not to be found in the list of crimes in the boasted penal statutes of this most religious and most moral country. Blush, oh, ye legislators, and hide your heads, oh, ye statesmen ! You have been called a nation of shopkeepers ; and sorry, indeed, am I to have to say, that your penal statutes corroborate this assertion in the strongest manner. The preservation of property is by them so completely fenced, that it is almost impossible to devise a mode of robbing, stealing, plundering, cheating, swindling, breaking or betraying trust, or wrong appropriating another's property in any manner or way, for the remedy of which a statute is not provided, with an adequate punishment. And yet woman, weak woman, is left to be robbed of the most precious jewel she possesses, without any restraint or possibility of redress whatever. If a man obtain *money* from me, under *false pretences*, he is liable to punishment ; but he may with the most perfect impunity employ the most false and deceitful pretences to rob fond, believing, unsuspecting, confiding woman of her virtue.

Nay, such few statutes as glance at this subject, smell strongly of the "love of lucre," and are actually an insult to the sex. A woman who is entitled to property, either immediately or at her parents' death, is deemed by the law of this land not to be capable of taking proper care of it, until she is twenty-one years of age, but of her virtue she is left completely mistress after twelve ; a man, therefore, is prevented getting possession, in a lawful way, of her and her property until she is twenty-one, but of the other

he may rob her whenever he can, perfectly unchecked. If a father seeks redress, by these boasted laws, for being robbed of his daughter, he must do it under the low and disgusting plea of being *deprived of her services*; he must prove that, in return for the expense he had been at in her education and maintenance, she had served him in the capacity of a cook, a chamber or a nursery maid,—degrading idea! for being robbed of an amiable and accomplished being, just starting into an agreeable and entertaining companion in health, a tender and affectionate nurse in sickness, or to be the future mother of children, among whom he might have looked forward to spend his latter days in domestic comfort and happiness, he can receive no redress; but must sit down quietly to mourn over his loss, aggravated by the hopes of the future being blasted for ever.¹

Oh, my gentle, but ill-fated young country-women, my heart bleeds, and tears obliterate my words, when I reflect upon your lot; when I think how much you have been neglected, and how hardly many of you are treated in this highly-favoured land. While man, selfish man, has fenced round his pelf, his dirty pelf, with triple guards, your fair, but fragile forms have been left defenceless to the pelting of the pitiless storm, to be scorched and withered by the sirocco of seduction, and swept away in the whirlwind of pollution.

It may be inquired, what remedy does the society of this country provide for this dreadful omission in the penal statutes. It will naturally be conceived that *its* doors will be kept shut against the perpetrator of such an outrage, and that the unfortunate victim will experience all commiseration and every possible alleviation of her hard fate. Here, again, nothing but disappointment meets us. By the conformation of society in this most moral country, while the seducer is received, without scruple, into every company, the unhappy victim is driven, with unrelenting severity, entirely out of the pale; she is hunted like a wild beast until she is completely inclosed in the toils of misery, wretchedness, and death. On this head, what are called the laws of society are so severe, that, out of respect to them, many a deeply-wounded, but tender-hearted parent, is forced to shut the door against a repentant child, who would otherwise have been received into their bosom.

I cannot help here expressing, not merely my surprise, but my utter astonishment, at the manner in which this subject has been

¹ Another instance of this selfish disposition of the laws may be here mentioned. If a parent met with that heart-rending calamity, the having a child stolen, and discovered the depredator, until very lately the party was not punishable for that crime, *but had to be tried for stealing the clothes that were on the child, which might not be worth five shillings.*

treated by an Irish barrister, who has lately acquired considerable celebrity for eloquence. In a speech, which has been published and hawked about London, said to have been made by him, on a trial at Roscommon for seduction, I find the following paragraph;—"You must not forget, gentlemen, (addressing the jury,) that it is not the unfortunate victim herself who appeals to you for compensation. *Her crimes, poor wretch, have outlawed her from retribution; and, however the temptations by which her erring nature was seduced, may procure an audience from the ear of mercy, the stern morality of the law refuses their interference.*" Had this barrister wished to have given a specimen of real eloquence, of eloquence of matter as well as words, he could not certainly have had a fairer or a better opportunity. If the particulars stated be true, there never was a more atrocious or a more infamous case of cold-blooded, concerted seduction. A warm indignant burst of eloquence upon the evident omission in the laws of this country of a punishment for seduction, which deprived the miserable victim of any redress, and, therefore, forced the unhappy parent to come forward with the selfish plea of having been deprived of her services, would, I conceive, have had more real effect upon the jury and the country at large than all the flowery language the gentleman has used.

As I am aware, however, that he is far from being singular in his opinions, I shall beg leave to investigate a little what the *crime* really is, for which the unfortunate victim is doomed to be so completely outlawed. It is not a crime against nature, for if she obeyed the law of nature she would do the very thing she is condemned for. It is not a crime against the laws of God, for he has expressly instructed mankind to increase and multiply and replenish the earth. But, I may be told, that it is against the decalogue, wherein it is said, "Thou shalt not commit adultery." Waving several strong objections that occur to me upon the application of this law, I will, for the sake of argument, allow it to be perfectly imperative, give it its fullest force; what is the conclusion? does it apply exclusively to women? are not men also subject to it? is it not addressed to all mankind indiscriminately? why, then, make women alone subject to it? Nay, why make *them* subject to such dreadful penalties and sufferings, on this earth, for a breach of a law, which, however it may have been applicable under its first promulgation, is, by the Christian dispensation, only punishable in the world to come? Neither is this a crime against the laws of the country,—at least, as applicable to women alone. I believe no such thing is to be found in all the numerous statutes that have been made. But I shall be told, I presume, that it is against *the laws of society*. It is not, then, for a crime against the

laws of God,—for a crime against the laws of nature,—for a crime against the laws of her country,—that poor unfortunate woman is doomed to be so severely punished, in fact, to be outlawed, but for a breach of the laws of society; and that not of all society, but merely the society in this country. Providence has, for the wisest purposes, planted in every human being, male and female, an inclination for the continuance of the human race. This is universal over the whole earth, and has been so from the creation of the world. But in the formation of the different associations of mankind, for their own preservation and enjoyment of life, in most of those societies which have or do exist, it has been found necessary, for their mutual comfort and well-being, to lay some restrictions on this passion. These, however, have been, like all the works of man, various and dissimilar in almost every country. In a few, this restraint has operated equally upon male and female. In most, however, it has been laid exclusively upon the latter. In some, the women are allowed every liberty before marriage. In others, the unmarried females are strictly watched and kept virtuous, but whenever they get married they are allowed all liberty. In a third, females of every age and every degree, unmarried or married, are not only expected to be virtuous, but are punished by expulsion from society if they are not. In this last class, the society of this country stands pre-eminent; for there a woman who transgresses is not merely expelled or excluded from general society, but is actually deprived of her natural protectors, is driven from her parental residence, and is forced to die of want, or to support a wretched existence by a repetition of the crime for which she is suffering. I am aware that I shall be told, that all this is for the good of society; and I freely acknowledge, that, to a certain degree, it is my firm belief that it is so. That not merely the highest, the purest, the most refined pleasures of this life, but even the commonest comforts, nay, the existence of society, such as it is in this country, depends upon the virtuous, the moral conduct of our females, I am ready to acknowledge. But if the happiness of man as well as woman depends upon this, why should the whole weight of the transgression be allowed to fall upon the latter, while the former is completely exempt? Because, I shall probably be told, a woman's transgression affects society more. Granted.—But who established this society? who formed those rules by which it is so regulated? Why, man—selfish man, to serve his own gratifications. Is it then just, is it equitable, is it *moral*, that he himself should be allowed to break these very laws and arrangements, with perfect impunity, whenever he thinks proper? Man says to woman, it is for our mutual comfort, happiness, and enjoyment, is

society, that you preserve, upon all occasions, your virtue ; and, therefore, such of you as do not shall be expelled from respectable society. Agreed, says woman ; but, as the benefit is mutual, let the penalty be mutual also, at least, so far as to inflict some punishment upon the man who uses insidious arts, who employs false pretences, to tempt us to our ruin. No, says man ; although, in some cases, it may be most for my enjoyment in this life, that you preserve your virtue ; yet, in others, it may be more for my gratification that you do not ; I, therefore, insist upon being left at full liberty, not only to attempt but to effect your ruin in any way I may think proper, without *your* having any redress from me whatever ; and remember, if you do fall you must suffer all the penalties. *Whatever the temptations may be, by which your erring nature is seduced, the stern morality of the law must not interfere.*

Is it possible, that this really can have been intended ? that this gentleman learned in the law is correct in his exposition, and that what I have been treating as an omission in the penal statutes of this country, has actually been preconcerted and designed ? No ; I cannot, I will not believe, that man, in this country, can ever have been so deliberately unjust ; and I hope and trust, that, now the question has been agitated, measures will be taken to wipe out the foul reproach. If not, woe, woe to the land, for it must soon sink under the load of corruption and licentiousness that is fast overwhelming it.

O, ye fair daughters of Erin, arise, and join the daughters of Albion, in asserting your rights, in claiming from the laws of the country that protection which you are so justly entitled to. And treat, as he deserves, that countryman of your's, who, with such talents as he possesses, has sacrificed all the finer feelings of the soul, that devotion to the fair sex which is the characteristic of an Irishman, and has attempted to raise himself a character for eloquence, by seeking for man, selfish man, pecuniary recompense, for being deprived of his wife or daughter,—while, at the same time, he tramples, with unrelenting and remorseless severity, upon these unhappy victims of deceit and duplicity, whom he chooses to call wretches, whose crimes have put them out of the protection of the law.

He can expatiate in flowery language, upon the husband's or the parents' sufferings ;—he can tell the jury in continuation of the sentence I have already quoted : “ No, no ; it is the wretched parent who comes this day before you,—his aged locks withered by misfortunes, and his heart broken by crimes of which he was unconscious. He resorts to this tribunal *in the language* of the law, claiming the value of his daughter's servitude ; but let it not

be thought, that it is for her mere manual labours he solicits compensation. No; you are to compensate him for all he has suffered,—for all he has to suffer,—for feelings-outraged, for gratifications plundered,” &c. &c.: and, after stating that this liberal exposition of the law had been supported by Lord Eldon and Lord Avonmore, he says, “but I speak on other authority, paramount to all,—on the *authority of nature arising up within the heart of man, and calling for vengeance upon such an outrage.*” Would it not be naturally concluded, that the *sufferer* of such an outrage would be the person, in whose favour nature would call: No; he says, “She can say nothing, she can have no claim, she has put herself out of the protection of the law.”

He can tell the jury, “yes; if there be one among you *blessed* with a daughter, the smile of whose infancy still cheers your memory, and the promise of whose youth illuminates your hope, who has endeared the toils of your manhood, whom you look up to as the solace of your declining years, whose embrace alleviated the pang of separation, whose glowing welcome hailed your oft anticipated return. Oh! if there be one amongst you, to whom these recollections are dear, to whom these hopes are precious, let him only fancy that daughter torn from his caresses, and cast on the world, robbed of her innocence,—and then let him ask his heart, ‘what money could reprise him?’” He can thus ask reparation for the father’s being deprived of the happiness and comfort of the daughter’s society; but he conceives that she has not, nor *ought* to have, any claim for being deprived, not merely of her father’s company, but of his countenance and support, of her paternal habitation, of her fame, her place in society, nay, of all honourable or even honest means of subsistence. The father still enjoys his place in society, he has still his wife and other children left to solace and to comfort him; while she is driven forth a wanderer, without a friend, a protector, a comforter, or a supporter; and yet this gentleman, instead of lamenting the deplorable deficiency of the laws by which she is deprived of any redress, coolly tells us, that “the stern morality of the law will not interfere.”

He states very truly that if the defendant, in place of seducing, had assaulted this poor girl, if he had *attempted* (I believe it should be, had *gained*) by force what he achieved by fraud, his life would have been the forfeit. Why he should not be liable to punishment for the one as well as the other I cannot conceive. If, as I have already stated, he had by fraud or by false pretences robbed her of her money or her property of any kind, he would have been liable to punishment, but the robbery he did commit, by these means, was much more disastrous, both to her and to society at large, and ought, therefore, to subject him to a far more

severe punishment; and that the more especially when it is considered that no man ever willingly parts with his money or property, whereas, unfortunate woman has frequently an enemy within, who strongly advocates the cause of the tempter without.

I must confess that I am completely at a loss to understand what the learned gentleman really does mean, by "the stern morality of the law," and I suspect that he might find himself rather puzzled to shew its application to the subject in question; at all events, that he is not aware how far such an application would lead.¹

I have always understood that the laws were made for the general benefit of the society, to protect the weak, the unassuming, and the feeble; from the oppression of the strong, the overbearing, and the bold; to guard the simple and the unsuspecting from the crafty and the designing; and to prevent the honest from falling a prey to the fraudulent. That this protection extended to all the members of the community, to the low as well as to the high, to the poor as well as to the rich, to woman as well as to man. But what is the result of this gentleman's doctrine? Why, that man, the strong and powerful half of society, is to be at perfect liberty to oppress, to deceive, to circumvent, to cheat woman, the other weaker half, without her having any redress from these boasted laws; on the contrary, that the very morality, that is to say, I presume, the ground-work, the better part, the virtuous part, of these laws forbids her receiving such redress. Well and appropriately has he called this morality "stern," for stern it certainly is, and very different from the mild and benign morality taught under the Christian dispensation. Indeed, if another learned gentleman, a reverend divine,² who wrote on this subject some years ago, be correct in his exposition, the morality of the Christian law is most completely and directly in opposition to this morality. For he states, "as Christ declared he came *not to destroy the law but to fulfil it*, therefore the law declared to the Jews continues still the moral law to be followed by Christians." Now, the Jewish law expressly ordained that if a man seduced a virgin, "he should surely endow her to be his wife, and not be able to put her away," and this, it would appear, even although he had previously been married; from which the learned divine argued strongly in favour of polygamy, as having been established among the Jews. That it also should be established or even to-

¹ It does appear to me that in his speeches he has paid fully as much attention to fine words, high-sounding phrases, and well-rounded periods, as to real argument, or sound reasoning.

² The Rev. Mr. Madan, in his *Thelophora*.

derated among us, I am not prepared to assert. But I am perfectly convinced, from the proofs he has adduced, that every man professing the Christian religion, is imperatively bound by the doctrines of that religion, to maintain all her life the virgin he may have seduced, however he may be exonerated by the stern morality of the learned barrister's law.

What is the consequence of the present state of things? Why, that Seduction stalks openly about, in broad day-light, literally "seeking whom he may devour." That, without a male protector, a respectable and virtuous female dare scarce set her foot in the streets during the day, far less attempt it at night. That, even guarded, she must shut her eyes and ears to avoid infection. That she is forced to abstain from visiting almost every public place of amusement. That she is in fact obliged to shut herself up within the circle of domestic privacy, and, if she be yet safe there still she is annoyed with the sound of the distant thunder which rolls around her.

You do not, Gentlemen, seem to be at all aware of the extent of the evil, nor of its appalling consequences. Taking the number of unfortunate females in London, at only one-fifth more, than what it was calculated to be twenty years ago, say 50,000,¹ the average of their lives, after they enter into that course, cannot be estimated above ten years, nay, that, I have reason to think, is too much; and yet to keep up the original number at that average, will require an annual contribution of 5000 fresh victims;—dreadful consideration! But this is not all. These revenge themselves by seducing the other sex in their turn, and the number of young men and boys, who fall a sacrifice to them; who lose their lives by disease, or who are ruined in their moral character and prospects in life, is at least equal to the other. Here then is the ancient fable of the Minotaur completely realized; and, alas, to an extent, to which the imagination of the ancients does not seem to have been capable of carrying them. They talked, with astonishment and horror, of a monster, to whom one hundred virgins were annually sacrificed. What would they have thought, or said, if they had been told that, in future times, in the capital of the greatest, the most religious, the most moral nation of the age, a monster, who annually devoured ten thousand of the finest youth of both sexes, should be allowed to establish and maintain himself perfectly unmolested?

The contagion spreads farther; the very air is tainted, and the moral health of the most virtuous youth of both sexes is more or less affected by it. Acute observers from the country have re-

¹ In some of the daily papers it was last season estimated at 100,000.

marked of the young females, who have been born and bred in the capital, that, however virtuous, however amiable, however highly accomplished they may be, they frequently want that simplicity of manners to be found in the country. They are obliged to be more on their guard, they have got more tact, but they lose that evanescent but highest charm of the female character, that most fascinating attraction to a real voluptuary—unsuspecting confidence.

It fares still worse with the young men, who are much more exposed; they acquire that harshness of behaviour and hardness of character which was justly observed by a northern poet to be an attendant on this sin:—

I wave the quantum of the sin,
And danger of concealing;
But, oh! it hardens all within,
And petrifies the feeling.

This is to be found, more or less, in all who are exposed to those temptations, even although they do not fall a prey to them. In that case, it generally appears in taunts and insults to these unhappy beings as they pass them in the streets. This roughness of behaviour insensibly extends to their female relations, and from them even to female visitors and acquaintance; so that the young men in London are, in general, remarked for being any thing but polite or gallant.

Unfortunately, this state of things has existed so long, that the people in general appear to have become quite callous to it; they see such things around them, and they sometimes suffer from them, but they console themselves with the pure state of domestic society, with the comforts to be found in it, and with the proud boast that Great Britain is, after all, the most virtuous and the most moral country in the world. That, taking all things to account, it really still is so, I am perfectly convinced. Yet appearances are very much against us; and to foreigners, who can only judge from what they see, the assertion must be very doubtful and problematical. A late work upon the manners and habits of the people of this country, by a Frenchman, has been very much and very justly cried down, it being certainly a gross and scandalous libel. But, before condemning it altogether, would it not be well for us to examine, whether this man had no ground whatever for what he has asserted. For instance, he has been particularly abused for stating that the young women in this country are *all* wantons. That, in the sweeping manner this is stated, it is an infamous, atrocious, and scandalous falsehood, is without doubt. But are there no grounds whatever for the assertion? Are none of our

young women so? Alas! alas! try us in the balance and we shall be found wanting. It has already been mentioned that there are, at least, 40,000 females in London of that description; the population of London is reckoned 1,200,000; of this not above one-third can be grown up females, or 400,000; here, then, is at once a tenth part; but the unmarried grown up females cannot be above 200,000, and these 40,000 are almost, without exception, unmarried; from this it follows that every fifth unmarried woman is a ———. The blood flies to my face and the pen drops from my fingers, when I think of the word, which rigid truth calls upon me to use here.

To a Frenchman such a state of society must be particularly striking; because, in France, seduction of unmarried females is little known. There it is provided against, both by the laws of the country, and by the usages of society. By the first a seducer is punishable, and from the second he is expelled. But I may be told, that I ought not to mention the society in France, for that it is the most dissolute and licentious in the world. It may be so; still, if any thing good can be learned from it, why not adopt it? Indeed, this very state of society in France must tend to mislead a native of that country, who visits England. He has, most probably, very little opportunity of proving what the domestic society of this country really is; and, finding so much public licentiousness, he very naturally concludes, that the society is the same as in his own country, and, therefore, sets down the whole as licentious. He is not, he cannot possibly be aware of the great and essential difference, which exists between the manners of the two countries in this respect, and which may be expressed in a very few words. In France, licentiousness reigns and is generally sought *in* society; in Britain, it is only to be found *out of it*. Proud boast: long may this continue to be the distinguishing characteristic of this land. If there is any real enjoyment, any real pleasure, any real happiness, in this world, it is to be found in the pure domestic circle. Happy is that man who has such felicity in his power; who can retire from the cares, troubles, and perplexities of public life to the solace and comfort of domestic society. In prosperity, the company of his wife and family add double zest to his enjoyment; and, in adversity, he flies from the taunts and sneers of an unfeeling world to the sympathy and kindness of a virtuous wife, and the affectionate attentions of a yet unsophisticated offspring. Even comparatively happy is that man who, having none of his own, can fully appreciate the privilege of being freely received into the family circles of his friends.

But I am much afraid, that it is principally in the middling ranks, that this inestimable state of society is now to be found in

this country. Although a few shining examples may yet be seen in the higher, the constant scenes of dissipation that take place among the greater number, are destructive of, and perfectly incompatible with, domestic enjoyment; and the alarming increase of crim. con. cases which come legally before the public, and the broad whispers of many more that are said to have taken place, are convincing proofs, that intrigue is making a lamentably rapid progress in that rank. On the other hand, among the lower classes licentiousness reigns in full sway, and under all its dreadful and most disgusting forms. Thus situated, the respectable middling class of society finds itself daily more and more circumscribed, finds daily encroachments made on both its extremities, and, if it do not get some effectual assistance and support, it will soon be completely swallowed up, and the whole society become one general mass of corruption. Nothing will accelerate this so much as the rapid advances of seduction among the youth of both sexes; of these the future heads and supporters of domestic society are to be formed; and, if the fountain be polluted, how can the stream be expected to be pure.

This, then, is what ought to be the object of the Society's labours; this the monster whom they must engage, if they wish to do their country a real and essential service. The undertaking is an arduous one, but may be accomplished in a certain degree. I am not so sanguine an Utopian as to suppose it possible to subdue and extirpate him altogether, but I think that, after paring his claws and pulling his teeth, they may succeed in confining him to the darkness of his den, there to prey only on such victims as put themselves within his power.

I shall now proceed to state what appear to me to be a few of the methods requisite to be followed, in order to effect this most desirable object.

In the first place.—Application should be made to parliament to have a statute passed making seduction penal. I am so far from being an advocate for an indiscriminate increase of the penal statutes, that I think we have already a great deal too many, and, perhaps, some of the late additions might have been spared; but this is most requisite, and most essential, and I conceive the penal statutes to be incomplete without it. Certain I am, that without such support, your labours will be nugatory, and of no avail. You might as well attempt to empty the bed of the Thames, by employing men to carry away the water in hand-buckets, without stopping the stream.

Let this law make every man or boy, who seduces a female under twenty-one years of age, liable to prosecution and to punishment, by fine or imprisonment, or both, according to circum-

statutes,—and to be doubled on married men guilty of these practices; also to punish procuresses. I am no lawyer, so cannot pretend to give the terms in which such a statute should be worded; but I have little doubt, that that philanthropic lawyer, that patriotic statesman, that upright man, who has already devoted so much of his time to the amelioration of the penal statutes of his country, will, on such an occasion, with pleasure give his assistance.

In the second place.—Open a respectable asylum for the reception of young females who have been seduced, but who have *not* entered on a life of prostitution. Many a hapless female who has been led astray, and afterwards abandoned by her seducer, would most gladly return repentant; and often do they supplicate and humble themselves to the utmost to their parents and relations, but these, swayed by the opinions and prejudices of society, are almost invariably inexorable. This may be best for the general good of society, but it is dreadfully hard upon the sufferers. Let your labours make it up to them. Let houses be appointed for their reception. Let them be divided into classes, according to the stations they had held in society. Let each class be placed under the direction and management of a respectable matron, appointed for that purpose. Let each female be, at first admission, kept apart for some time, until she prove, by her conduct, that she is fit for the company of the others. Let a slight impropriety be punished by solitary confinement,—a great one, by expulsion, or rather translation to the receptacle you have already established. While in these houses, let each be employed in such labours as she appears to be best calculated for,—the emoluments to go towards her maintenance. In addition to this, each to be questioned, at admission, as to the circumstances attending her seduction; and if they be such as to warrant a prosecution, the directors to be authorised to carry it on in her name; and, if they are successful in obtaining a fine, the amount to be placed to her credit in the books of the Society. After a girl has lived a certain time in one of these houses, and conducted herself with propriety and decorum, an attempt may be made to reconcile her to her friends, and thus to restore her to that rank in society which she formerly held, and which she may live to adorn.

In such a case, if there is any money at the credit of the young woman on the books of the Society, it should be paid over to her or her friends.

When you have thus struck at the cause and given it a check, you may proceed with some prospect of success to endeavour to clear away the effects.

For this purpose, although I would recommend the continuance of your present asylum, as an excellent refuge for such as may

wish to withdraw from a life of depravity, yet I by no means think that it will be sufficient. In order to clear the streets effectually, force and restraint must be resorted to; it will, therefore, be necessary to have a clause introduced into the act of parliament, not only authorising, but calling upon, the magistrates to take the necessary steps. After due proclamation, by hand-bills, &c. allowing a certain time for such as are disposed to retire from the streets, or to take refuge in the asylum, the watchmen and patrols, or officers appointed for the purpose, should be enjoined to take up all loose and disorderly women they find in the streets, guilty of improper behaviour or improper language, and lodge them in a place appointed for the purpose, from whence to be carried before a magistrate, and, if they cannot find security for their future good behaviour, to be committed to the House of Correction, to Bridewell, or to the Penitentiary, there to be detained for life, not turned loose at the end of a few weeks, as the present practice is.

The next thing I would beg leave to call your attention to, is the theatres. The theatres of London, in their size, in their appearance, the style in which they are finished before the curtain, the scenery and decorations of the stage, the magnificence with which the pieces are got up, and the order, propriety, and decorum, with which the performances are in general conducted, are, I believe, superior to any in Europe, and they would be an ornament and credit to the country, were not the whole completely spoiled and destroyed by a nuisance the most intolerable, the most shocking, and the most revolting. I mean the number of loose women who are allowed to prowl over them, disturbing the performance, insulting the sober-minded and modest part of the audience, and exhibiting the most indecent appearance and gestures with perfect impunity, nay, apparently, with encouragement from the profligates of the other sex. However dissolute, however licentious the morals may be in France and Italy, I understand no such thing is allowed in their theatres; and how it comes to have been tolerated so long in this most religious and most moral country, astonishes me beyond measure. When a foreigner visits London, the theatres are among the first places he generally goes to; and certain I am that the scenes he sees there, combined with what he meets with in the streets, must give him such an unfavourable idea of the country, that nothing he can possibly afterwards hear or see will be able to change his opinion, and he will leave it fully convinced, that it is entitled to any character but that of moral or religious.

I have never heard but two reasons given for the submitting to this evil, and they appear to me the weakest in the world.

The first is, that the theatres, being public and open to all who

can pay for their entrance, in this land of freedom, if these women pay for admission they cannot be stopped.—In answer, I say, if such a doctrine be allowed, this will soon be a land of licentiousness, instead of a land of freedom. But the proprietors of the theatres themselves give a practical refutation of it.—If, at all public places in this country, every person who can pay has a right to be admitted, how comes it that they plant at the doors of their theatres police-officers, for the express purpose of preventing those civil, quiet, well-bred men, commonly called pickpockets, entering; and, if one of them should happen to get in, and attempt to labour in his vocation, a disturbance is immediately raised, and these officers pounce upon him and drag him out of the house. I shall be asked, I presume, what, would you have us allow ourselves to be robbed, or have our pockets picked? Oh, shopkeepers, shopkeepers! You take especial care that your sons and daughters be not robbed, or have their pockets picked of their trinkets, watches, purses, pocket-books, or even pocket-handkerchiefs; but you leave their minds to be robbed of their innocence, their simplicity, their purity of heart,—their vision to be blasted by scenes that would disgust an Otaheitean, and their hearing to be contaminated by language that would disgrace a brothel;—shame, shame!

The other reason given is, if possible, still worse. I have heard it repeatedly asserted, that these women not only help to fill the theatres themselves, but bring so many followers after them, that, if they were prohibited, the theatres would be half deserted, and the proprietors would be ruined. Were this really true, I would recommend, in the strongest manner, to the government of the country immediately to pay those proprietors the value of their theatres, and then pull down and raze them to the foundation. But, so far from being true, I conceive it to be a most gross and scandalous libel, worse, far worse than the Frenchman's, inasmuch as the sin of Jerusalem was worse than that of Sodom and Gomorrah. He has only sinned from ignorance; the people who make this assertion must know its falsity, they must be aware, that, if these women and their dissolute followers were completely excluded, the theatres would be more filled, because many respectable people who, at present, abstain from them altogether, would then not only attend themselves, but would carry their wives and children with them.

But my Quixotism does not carry me so far as to conceive the design of entirely excluding these women from the theatres. I do not see why they may not attend them as well as any other person, provided they behave with decency and propriety while there. It is the procuring the enforcement of this rule that I beg leave to

recommend in the strongest manner. It strikes me, that this regulation comes under the jurisdiction of the Lord Chamberlain, and that he might give the proper orders; but, as he has never exercised his authority in this respect, it may be better and more effectual to have some clauses inserted in the Act of Parliament, to the following effect.—Let the police officers, or others appointed for the purpose, be authorised and directed to take up every female they find wandering through the lobbies, or going from box to box, and, in the most gentle manner possible, conduct them to the outer door and turn them into the streets; if they become refractory and make a noise, or if a gentleman lodge a complaint against any particular ones, give his address and promise to appear next day, then let them be conducted to an appointed place of confinement, to be brought before the magistrates in the morning, and, if convicted of improper behaviour, to be sent to the House of Correction for a limited period. A few examples of this kind would work wonders.—The next regulation I mention with a little diffidence; if it can be adopted, it would certainly be of service; it is, that no female, or party of females, be admitted into the boxes without a male protector. I am aware that some young men would not scruple to lend their arms to conduct these females in, but this ought to be allowed or winked at, provided that, after admission, they continued to keep them company, and took care they behaved properly; and, after these regulations were made public, very few young men would venture to introduce one who was likely to expose herself or them. This regulation might bear hard upon young gentlemen, in another respect; it might oblige them to pay more attention to their mothers, sisters, and female relations and acquaintance, than many of them are, at present, in the habit of doing; they might, perhaps, vote it a bore to be forced to attend the ladies to the theatre early in the evening, instead of allowing them to go there by themselves, and only making their own appearance towards the end of the performance, to convoy them home. Even for this a salvo might be found, as it might be arranged that when a lady, or party of ladies, named the box they were going to, they should immediately be conducted to it by the box-keepers.

The next thing I would recommend is of more imperative necessity, as without it, all that could otherwise be done would be of little avail;—it is the shutting up these dreadful hotbeds of vice and immorality, the saloons of the theatres. The shocking scenes that nightly occur in those places are perfectly disgraceful, and can only be conceived by those who witness them. What makes it still worse is, that these places, especially in one of the houses, are so near the boxes, that it is not possible to go to and from the boxes without coming in contact with them or their visitors.

Nay, strangers frequently make a mistake in their way out, and find themselves in the middle of the riotous inhabitants of the saloon before they are aware. I have myself, more than once, in passing, stopped respectable parties at the door, and directed them the proper way to the stairs. I am confident that ten young men are ruined by the visitors of these saloons, for one that is led astray by the street-walkers. The females on the streets are either faded or worn out; or low vulgar creatures; they are generally ill-dressed, and in the dark and dirt of the streets cannot be seen to any advantage; a man, therefore, passes on and takes little notice of them. It is very different in the theatres; when a young man meets there with handsome fine looking girls, well dressed and with genteel manners, he forgets the indecency of their appearance and the looseness and impropriety of their language and behaviour, if these do not attract him the more; and he gets interested and entangled with them, and is led astray;—and this the more readily as he sees around him much older men of respectable appearance, without scruple talking, laughing, and romping with them. In corroboration of this, I have to state, that, in the confined circle of my acquaintance in London, very lately, two young men, or rather boys, for neither were past eighteen, were found to be spending much more money than they ought, or their friends could afford, and, upon investigation, it was discovered that they each kept a mistress. When questioned, they both declared that they had formed the acquaintance in the saloons of the theatres.

The last thing I shall mention on this head is, that if it were possible to put an end to the extreme bad practice of admission at half-price, it would contribute very much to the preservation of the morals of the youth of both sexes, as well as to the comfort of all who go to the theatres in the first part of the evening. To these, indeed, the entrance of the half-price company must be an intolerable nuisance; they may enjoy the three first acts of the play in comparative quiet and comfort, but the two last are generally drowned in noise and confusion, and the finest performances of Kemble, Kean, or Miss O'Neill, are completely lost, or appear as dumb shew. To the idle, dissolute, and licentious crew who enter, this is of little consequence, as very few of them go with any idea of attending to the performances on the stage,—they go to attend to their own performances,—they go there as to a professed and known place of rendezvous, where they can meet their old acquaintance, form new ones, and make assignments.

These, gentlemen, are what appear to me to be the objects which should engage the Society's attention. I have only touched slightly upon them, but I trust I have said enough to shew the dreadful extent of the evil, and the absolute necessity of a check

being given to it; and I hope that this feeble attempt of mine may have the good effect of rousing some able writer to take up the subject and to do justice to it. I think if the vice was only fairly described, the horrid consequences resulting from it faithfully painted, and the rapid progress it is making properly pointed out, every religious and moral man, every father of a family, every well-wisher to his country, and every well-disposed person in it, would immediately come forward and join your society with heart and hand.

I cannot conceive how it has for such a length of time escaped the notice of our Statesmen, our dignified and established Clergy, our Dissenters, our Sectaries;—that, in a country where the abolition of the slave-trade first commenced, in a country where large sums are annually subscribed to send missionaries to the farthest extremities of the globe, in order to spread the light of the gospel on the darkness of the Heathens, and to convert them from a state of sin and misery, thousands, upon thousands of the finest youths of both sexes should be allowed to fall into a bondage worse than that of the Africans, and a state of sin and misery infinitely more deplorable than that of the Heathens, without any attempt being made to save them, is certainly very extraordinary. Had the money which has been spent by the Missionary Societies, been employed for this laudable purpose at home, it might have had the most beneficial effects. More young men and women are seduced and ruined, soul and body, in London, in one year, than all the converts the missionaries have made since they commenced their labours, will amount to.

Had those persons, who have arrogated to themselves the title of “the Society for the Suppression of Vice,” devoted their attention to the suppression of this vice, they might have made themselves of real service to their country, they would have deserved well of society, and they might, probably, have gained that popularity and fame which they will never obtain by nibbling at the petty vices of the lower orders, and depriving them of the few comforts and enjoyments they have left, under pretence of reforming their morals.

I remain, with great respect,

Gentlemen,

Your most obedient Seryant,

S. T.

OBSERVATIONS

ON THE EFFECT OF

The Manufacturing System :

WITH HINTS FOR THE IMPROVEMENT OF THOSE PARTS

OF IT WHICH ARE MOST INJURIOUS TO HEALTH

AND MORALS.

DEDICATED MOST RESPECTFULLY TO

THE BRITISH LEGISLATURE.

BY ROBERT OWEN.

THE THIRD EDITION.

OBSERVATIONS

ON THE EFFECT OF

The Manufacturing System,

&c.

THOSE who were engaged in the trade, manufactures, and commerce of this country thirty or forty years ago, formed but a very insignificant portion of the knowledge, wealth, influence, or population of the empire.

Prior to that period, Britain was essentially agricultural. But, from that time to the present, the home and foreign trade have increased in a manner so rapid and extraordinary as to have raised commerce to an importance, which it never previously attained in any country possessing so much political power and influence.^{*} This change has been owing chiefly to the mechanical inventions which introduced the cotton trade into this country, and to the cultivation of the cotton-tree in America. The wants, which this trade created for the various materials requisite to forward its mul-

^{*} By the returns to the Population Act in 1811, it appears that in England, Scotland and Wales, there are 895,998 families chiefly employed in agriculture—1,129,049 families chiefly employed in trade and manufactures—640,500 individuals in the army and navy—and 519,168 families not engaged in any of these employments. It follows that nearly half as many more persons are engaged in trade as in agriculture—and that of the whole population the agriculturists are about 1 to 3.

multiplied operations, caused an extraordinary demand for almost all the manufactures previously established, and, of course, for human labour. The numerous fanciful and useful fabrics manufactured from cotton soon became objects of desire in Europe and America: and the consequent extension of the British foreign trade was such as to astonish and confound the most enlightened statesmen both at home and abroad.

The immediate effects of this manufacturing phenomenon were a rapid increase of the wealth, industry, population and political influence of the British empire; and by the aid of which it has been enabled to contend for five-and-twenty years against the most formidable military and *immoral* power that the world perhaps ever contained.

These important results, however, great as they really are, have not been obtained without accompanying evils of such a magnitude as to raise a doubt whether the latter do not preponderate over the former.

Hitherto, legislators have appeared to regard manufactures only in one point of view, as a source of national wealth. The other mighty consequences, which proceed from extended manufactures, *when left to their natural progress*, have never yet engaged the attention of any legislature. Yet the political and moral effects to which we allude, well deserve to occupy the best faculties of the greatest and the wisest statesmen.

The general diffusion of manufactures throughout a country generates a new character in its inhabitants; and as this character is formed upon a principle quite unfavourable to individual or general happiness, it will produce the most lamentable and permanent evils, unless its tendency be counteracted by legislative interference and direction.

The manufacturing system has already so far extended its influence over the British empire, as to effect an essential change in the general character of the mass of the people. This alteration is still in rapid progress; and ere long, the comparatively happy simplicity of the agricultural peasant will be wholly lost amongst us: It is even now scarcely any where to be found, without a mixture of those habits, which are the offspring of trade, manufactures, and commerce.

The acquisition of wealth, and the desire which it naturally creates for a continued increase, have introduced a fondness for essentially injurious luxuries among a numerous class of individuals, who formerly never thought of them, and they have also generated a disposition which strongly impels its possessors to sacrifice the best feelings of human nature to this love of accumulation. To succeed in this career, the industry of the lower orders, from whose labour this wealth is now drawn, has been carried by new competitors striving against those of longer standing, to a point of real oppression, reducing them by successive changes, as the spirit of competition increased, and the ease of acquiring wealth diminished, to a state more wretched than can be imagined by those who have not attentively observed the changes as they have gradually occurred. In consequence, they are at present in a situation infinitely more degraded and miserable than they were before the introduction of these manufactories, upon the success of which their bare subsistence now depends.

To support the additional population which this increased demand for labour has produced, it now becomes necessary to maintain the present extent of our foreign trade, or, under the existing circumstances of our population, it will become a serious and alarming evil.

It is highly probable, however, that the export trade of this country has attained its utmost height, and that by the competition of other states, possessing equal or greater local advantages, it will now gradually diminish.

The direct effect of the Corn-bill lately passed will be to hasten this decline and prematurely to destroy that trade. In this view it is deeply to be regretted that the bill passed into a law; and I am persuaded its promoters will ere long discover the absolute necessity for its repeal, to prevent the misery which must ensue to the great mass of the people.

The inhabitants of every country are trained and formed by its great leading existing circumstances, and the character of the lower orders in Britain is now formed chiefly by circumstances arising from trade, manufactures, and commerce; and the governing principle of trade, manufactures, and commerce, is immediate pecuniary gain, to which on the great scale every other is made to give

way. All are sedulously trained to buy cheap and to sell dear; and to succeed in this art, the parties must be taught to acquire strong powers of deception; and thus a spirit is generated through every class of traders, destructive of that open, honest sincerity, without which man cannot make others happy, nor enjoy happiness himself. Strictly speaking, however, this defect of character ought not to be attributed to the individuals possessing it, but to the overwhelming effect of the system under which they have been trained. But the effects of this principle of gain, unrestrained, are still more lamentable on the working classes, those who are employed in the operative parts of the manufactures; for most of these branches are more or less unfavourable to the health and morals of adults. Yet parents do not hesitate to sacrifice the well-being of their children, by putting them to occupations by which the constitution of their minds and bodies is rendered greatly inferior to what it might and ought to be under a system of common foresight and humanity. Not more than 30 years since, the poorest parents thought the age of 14 sufficiently early for their children to commence regular labour: and they judged well; for by that period of their lives they had acquired by play and exercise in the open air, the foundation of a sound robust constitution; and if they were not all initiated in book learning, they had been taught the far more useful knowledge of domestic life, which could not but be familiar to them at the age of 14, and which, as they grew up and became heads of families, was of more value to them (as it taught them economy in the expenditure of their earnings) than one half of their wages under the present circumstances.

It should be remembered also that 12 hours per day, including the time for regular rest and meals, were then thought sufficient to extract all the working strength of the most robust adult; when it may be remarked local holidays were much more frequent than at present in most parts of the kingdom. At this period too, they were generally trained by the example of some landed proprietor, and in such habits as created a mutual interest between the parties, by which means even the lowest peasant was generally considered as belonging to, and forming somewhat of a member of, a respectable family. Under these circumstances the lower orders experienced not only a considerable degree of comfort, but they

had also frequent opportunities of enjoying healthy rational sports and amusements; and in consequence they became strongly attached to those on whom they depended, their services were willingly performed; and mutual good offices bound the parties by the strongest ties of human nature, to consider each other as friends in somewhat different situations; the servant indeed often enjoying more solid comfort and ease than his master.

Contrast this state of matters with that of the lower orders of the present day;—with human nature trained as it now is, under the new manufacturing system.

In the manufacturing districts it is common for parents to send their children of both sexes at seven or eight years of age, in winter as well as summer, at six o'clock in the morning, sometimes of course in the dark, and occasionally amidst frost and snow, to enter the manufactories, which are often heated to a high temperature, and contain an atmosphere far from being the most favourable to human life, and in which all those employed in them very frequently continue until twelve o'clock at noon, when an hour is allowed for dinner, after which they return to remain, in a majority of cases, till eight o'clock at night.

The children now find they must labour incessantly for their bare subsistence: they have not been used to innocent, healthy, and rational amusements; they are not permitted the requisite time, if they had been previously accustomed to enjoy them. They know not what relaxation means, except by the actual cessation from labour. They are surrounded by others similarly circumstanced with themselves; and thus passing on from childhood to youth, they become gradually initiated, the young men in particular, but often the young females also, in the seductive pleasures of the pot house and inebriation: for which their daily hard labour, want of better habits, and the general vacuity of their minds, tend to prepare them.

Such a system of training cannot be expected to produce any other than a population weak in bodily and mental faculties, and with habits generally destructive of their own comforts, of the well-being of those around them, and strongly calculated to subdue all the social affections. Man so circumstanced sees all around him hurrying forward, at a mail-coach speed, to acquire individual

wealth, regardless of him, his comforts, his wants, or even his sufferings, except by way of a *degrading parish charity*, fitted only to steel the heart of man against his fellows, or to form the tyrant and the slave. To-day he labours for one master, to-morrow for a second, then for a third, and a fourth, until all ties between employers and employed are frittered down to the consideration of what immediate gain each can derive from the other. The employer regards the employed as mere instruments of gain, while these acquire a gross ferocity of character, which, if legislative measures shall not be judiciously devised to prevent its increase, and ameliorate the condition of this class, will sooner or later plunge the country into a formidable and perhaps inextricable state of danger. The direct object of these observations is to effect the amelioration and avert the danger. The only mode by which these objects can be accomplished is to obtain an Act of Parliament.

- 1st. To limit the regular hours of labour in mills of machinery to 12 per day, including one hour and a half for meals.
- 2nd. To prevent children from being employed in mills of machinery until they shall be 10 years old, or that they shall not be employed more than 6 hours per day until they shall be 12 years old.
- 3rd. That children of either sex shall not be admitted into any manufactory,—after a time to be named,—until they can read and write in an useful manner, understand the first four rules of arithmetic, and the girls be likewise competent to sew their common garments of clothing.

These measures, when influenced by no party feelings, or narrow mistaken notions of immediate self-interest, but considered solely in a national view, will be found to be beneficial to the child, to the parent, to the employer, and to the country. Yet as we are now trained, many individuals cannot detach general subjects from party considerations, while others can see them only through the medium of present pecuniary gain. It may thence be concluded, that individuals of various descriptions will disapprove of some, or all of these measures. I will therefore endeavour to anticipate their objections, and reply to them.

The child cannot be supposed to make any objection to the

plans proposed : he may easily be taught to consider them, as they will prove to be by experience, essentially beneficial to him in childhood, youth, manhood, and old age.

Parents who have grown up in ignorance and bad habits, and who consequently are in poverty, may say : " We cannot afford to maintain our children until they shall be 12 years of age, without putting them to employment by which they may earn wages, and therefore object to that part of the plan which precludes us from sending them to manufactories until they shall be of that age." If the poorest and most miserable of the people formerly supported their children without regular employment until they were 14, why may they not now support them until they shall be 12 years old? If parents who decline this duty had not been ignorant, and trained in bad habits which render their mental faculties inferior to the instinct of many animals, they would understand that by forcing their children to labour in such situations at a premature age, they place their offspring in circumstances calculated to retard their growth, and make them peculiarly liable to bodily disease and mental injury, while they debar them the chance of acquiring that sound robust constitution, which otherwise they would possess, and without which they cannot enjoy much happiness, but must become a burthen to themselves, their friends and their country. Parents by so acting also deprive their children of the opportunity of acquiring the habits of domestic life, without a knowledge of which high nominal wages can procure them but few comforts, and without which among the working classes very little domestic happiness can be enjoyed. Children thus prematurely employed are prevented from acquiring any of the common rudiments of book learning ; but in lieu of this useful and valuable knowledge, they are likely to acquire the most injurious habits by continually associating with those as ignorant and as ill instructed as themselves. And thus it may be truly said, that for every penny gained by parents from the premature labour of their offspring, they sacrifice not only future pounds, but also the future health, comfort and good conduct of their children ; and unless this pernicious system shall be arrested by the introduction of a better, the evil is likely to extend, and become worse through every succeeding generation.

I do not anticipate any objection from employers to the age

named for the admittance of children into their manufactories ; or to children being previously trained in good habits, and the rudiments of common learning ;—for, upon an experience abundantly sufficient to ascertain the fact, I have uniformly found it to be more profitable to admit children to constant daily employment at 10 years old, than at any earlier period ; and that those children, or adults, who had been the best taught, made the best servants, and were by far the most easily directed to do every thing that was right and proper for them to perform. The proprietors of expensive establishments may object to the reduction of the *now* customary hours of labour. The utmost extent however of their argument is, that the rent or interest of capital expended in forming the establishment is chargeable on the quantity of its produce ;—and if, instead of being permitted to employ their work-people within their manufactories so long as human nature can be tempted to continue its exertions, say for 14 or 15 hours per day, they shall be restricted to 12 hours of labour per day from their work-people, then the prime cost of the article which they manufacture will be increased by the greater proportion of rent or interest which attaches to the smaller quantity produced. If, however, this law shall be, as it is proposed, general over England, Scotland and Ireland, whatever difference may ultimately arise in the prime cost of the articles produced in these manufactories, will be borne by the consumers, and not by the proprietors of such establishments. And, in a national view, that labour which is exerted 12 hours per day will be obtained more economically than if stretched to a longer period. I doubt, however, whether any manufactory, so arranged, as to occupy the hands employed in it 12 hours per day, will not produce its fabric, even to the immediate proprietor, nearly if not altogether as cheap as those in which the exertions of the employed are continued to 14 or 15 hours per day. Should this, however, not prove to be the case to the extent mentioned, the improved health, the comforts, useful acquirements of the population, and the diminution of poor's-rates naturally consequent on this change in the manners and habits of the people, will amply compensate to the country for a mere fractional addition to the prime cost of any commodity. And is it to be imagined that the British Government will ever put the chance of a trivial pecuniary

gain of a few, in competition with the solid welfare of so many millions of human beings? The employer cannot be injured by being obliged so to act towards his labourers as, for the interest of the country, he should act. Since the general introduction of expensive machinery, human nature has been forced far beyond its average strength; and much, very much private misery and public injury are the consequences.

It is indeed a measure more to be deplored in a national view than almost any other that has occurred for many centuries past. It has deranged the domestic habits of the great mass of the people: It has deprived them of the time in which they might acquire instruction, or enjoy rational amusements. It has robbed them of their substantial advantages, and, by leading them into habits of the pot-house and inebriation, it has poisoned all their social comforts.

Shall we then make laws to imprison, transport, or condemn to death, those who purloin a few shillings of our property, injure any of our domestic animals, or even a growing twig; and shall we *not* make laws to restrain those, who otherwise will not be restrained, in their desire for gain, from robbing, in the pursuit of it, millions of our fellow-creatures of their health, their time for acquiring knowledge and future improvement,—of their social comforts,—and of every rational enjoyment? This system of proceeding cannot continue long;—it will work its own cure by the practical evils which it creates, and that in a most dangerous way to the public welfare, if the Government shall not give it a proper direction.

The public, however, are perhaps most interested in that part of the plan which recommends the training and educating of the lower orders under the direction and at the expense of the country. And it is much to be wished that the extended substantial advantages to be derived from this measure, were more generally considered and understood, in order that the mistaken ideas which now exist regarding it, in the most opposite quarters, may be entirely removed.

A slight general knowledge of the past occurrences of the world, with some experience of human nature, as it appears in the little sects and parties around us, is sufficient to make it evident to those, not very much misinstructed from infancy, that children may be

taught any habits and any sentiments; and that these, with the bodily and mental propensities and faculties existing at birth in each individual, combined with the general circumstances in which he is placed, constitute the whole character of the man.

It is thence evident that human nature can be improved and formed into the character which it is for the interest and happiness of all it should possess, solely by directing the attention of mankind to the adoption of legislative measures judiciously calculated to give the best habits, and most just and useful sentiments to the rising generation;—and in an especial manner to those who are placed in situations, which, without such measures, render them liable to be taught the worst habits, and the most useless and injurious sentiments.

I ask those who have studied the science of government upon those enlightened principles which alone ought to influence the statesman, What is the difference, in a national view, between an individual trained in habits which give him health, temperance, industry, correct principles of judging, foresight, and general good conduct; and one trained in ignorance, idleness, intemperance, defective powers of judging, and in general vicious habits? Is not one of the former of more real worth and political strength to the state than many of the latter?

Are there not millions in the British dominions on whom this difference can be made? And if a change, which so essentially affects the well-being of those individuals, and, through them, of every member of the empire, *may* be made, is it not the first duty of the government and the country to put into immediate practice the means which *can* effect the change?

Shall then such important measures be waived, and the best interests of this country compromised, because one party wishes its own peculiar principles to be forced on the young mind; or because another is afraid that the advantages to be derived from this improved system of legislation will be so great as to give too much popularity and influence to the ministers who shall introduce it?

The termination of such errors in practice is, I trust, near at hand, and then Government will be no longer compelled to sacrifice the well-doing and the well-being of the great mass of the people

and of the empire, to the prejudices of comparatively a few individuals, trained to mistake even their own security and interests.

Surely a measure most obviously calculated to render a greater benefit to millions of our fellow-creatures than any other ever yet adopted, cannot be much longer suspended, because one party in the state may erroneously suppose it would weaken their influence over the public mind, unless that party shall alone direct the plan, but which direction, it is most obvious, the intelligence of the age will not commit to any party exclusively. Or because others, trained in very opposite principles, may imagine that a national system of education for the poor and lower orders, under the sanction of Government, but superintended and directed in its details by the country, would place a dangerous power in the hands of ministers of the Crown.

Such sentiments as these cannot exist in minds divested of party considerations, who sincerely desire to benefit their fellow-men, who have no private views to accomplish, and who wish to support and strengthen the Government, that the Government may be the better enabled to adopt decisive and effectual measures for the general amelioration of the people.

I now therefore, in the name of the millions of the neglected poor and ignorant, whose habits and sentiments have been hitherto formed to render them wretched, call upon the British government and the British nation to unite their efforts, to arrange a system to train and instruct those, who for any good or useful purpose, are now untrained and uninstructed; and to arrest by a clear, easy, and practical system of prevention, the ignorance and consequent poverty, vice and misery, which are rapidly increasing throughout the empire; for, "Train up a child in the way he should go, and when he is old he will not depart from it."

CONSIDERATIONS

ON THE

British Commerce,

WITH REFERENCE

PARTICULARLY TO

BRITISH INDIA,

THE

UNITED STATES OF AMERICA,

AND

THE SLAVE TRADE.

LONDON.

1817.

ADVERTISEMENT.

SINCE the following argument was framed, the East-India, Gibraltar, and Malta Trade Bill has passed the Legislature.—That Bill is of great consequence, and is in agreement with the principles laid down in this Essay; but, being only partial in operation, does not preclude the consideration of the subject at large.—The duty on Rice has also been rescinded, but, being a measure of temporary and exigent regulation, does not affect the general course of the argument.

CONSIDERATIONS,

&c. &c. &c.

THE causes which tend to the decline of rich and powerful States, are counteracted in the instance of Great Britain :

First.—By her Social Institutions, which dispense to industry and talent the rewards of wealth and distinction, and consequently assure to the community a constant succession of active and able members.

Second.—In her Trans-Marine Dominions, which not only constitute an extension of her agriculture and give increase to her trade, but by the direct and relative employment of seamen, contribute most of the advantages, without the expence and civil evils of a standing military force for defence.

Relatively to those dominions, chiefly, it is now purposed to examine some of the particulars of the British Commerce; the inquiry leads to remarks on the trade of the United States of America, and also brings the Slave Trade into a point of view in which it does not appear to have been hitherto considered.

Europe depends upon the Countries within and adjacent to the Tropics, for vast supplies of Agricultural produce.

A Tropical, or other Trans-marine Farm, within the British Dominions, is, in effect, a British Farm, with the advantage common to every other British Farm, of producing that within the Empire, for which a Foreign Nation must otherwise be paid; with the further advantage of employing the mariners who convey the produce to market.

The British Tropical Dependencies exceed in the production of most of their staple articles, the home consumption; they of themselves, give to Great Britain, the character of an export country, and her power will be in proportion to her independence of Supply from other nations, for her own consumption, and to the extent of

her exports to the market of Europe, directly or indirectly, from her Trans-Marine Dominions.

That market repays not only the charge for labor, the cost of the manufactures used in the culture and preparation of the produce, the rent of land and taxes, but, also, the cost and equipment of the ship employed for conveyance, and the wages of the seaman.

Further, the vender of the Trans-Marine productions in the market of Europe, selects the goods which are to be invested in return ;—he ranks with the best customer of the manufacturer, and the power of controul over the vender, is therefore an object of political science ;—a foreign ship arrived at Amsterdam, or at Hamburgh, from the East or from the West, will seek to invest the manufactures of the Continent in return ; a British ship, in a like situation, may be required to receive *her* return cargo, at a port of the United Kingdom, and, without being restricted in any other respect, will assort a cargo with the best probability in favor of the British manufacturer.

Great Britain *can* reduce her demand upon foreign labor for her own use and consumption ;—she *can* embrace, in a proportion of great increase, the market of Europe for Tropical productions ; in proportion to that increase she will be enabled to influence the investment of the returns, and the means necessary to those important ends are in unison with the best dispositions for promoting the interests of society.

Tropical Agriculture resolves itself into two divisions, Eastern and Western.

The Eastern division is cultivated, chiefly by native *free* laborers.—The Western division by foreign slaves ; the former at the lowest, the latter at the highest rate of expence.

A limit to British Colonial agriculture, in the West, is fixed by the suppression of the British trade in Slaves ; the heart triumphs in the decision ; but unless a more commanding and comprehensive policy, in the regulation of trade generally, be adopted, the nations which rank the lowest in moral feeling will, through the resources of the Tropical agriculture and navigation, which Great Britain has humanely abandoned, make the largest advances in political power.

The effect of that limitation to British industry, is seen in the increased activity of the foreign planter. In Cuba,—in the Brazils, the impulse is sensibly felt ; *by affecting the demand for the produce of the toil of Slaves only, can the trade in Slaves be prevented* ; when abandoned by all the governments now existing, is the policy of States which may yet be formed in Mexico and the Countries South of that Province, within the possible view of the philosopher or the statesman ?

With a soil and climate rich and various, supposing equal distance and facility of navigation, and equal political encouragement, the native, *free* and unexpensive labor of the East must have prevented the first demand of Europe upon the foreign, compulsory, and expensive labor of the West. In the present improved state of navigation, *equal political encouragement being supposed*, the labor of the West, even with the advantages of less distance, high cultivation, great capital and skill and effective establishments, must yield to the labor of the East.

The subsequent examination¹ will establish that conclusion.

East India Sugar is become, to some extent, an article of consumption in the United Kingdom, although liable to the payment of ten shillings per cwt. duty more than Sugar imported from the British West India Plantations, and is in extensive demand for the market of Europe, even with the increased charge of transit by way of Great Britain.

East India Cotton Wool, (the produce of the Island of Bourbon excepted) until the scarcity of other Cotton, occasioned by the American Embargo, was, for most purposes, rejected by the British Spinner.—At that period its qualities were more nicely investigated; and the demand in consequence became regular and extensive, and is increasing both for domestic and foreign consumption. The importation of East India Cotton Wool to Great Britain, during the first six months of the present year, (1817) is upwards of 50,000 bales, in value equal to 700,000*l*.

East India Rice, from various occasional and temporary causes, has been lightly esteemed in the British and other European markets. Under the advantages of reduced freight and expeditious carriage, the prospect may be entertained of that article becoming to the European Nations and to the Western Colonists, a cheap auxiliary in domestic economy, and in seasons of distress an unfailing resource.

East India Rice contains more nutriment,² will keep longer, and can be delivered at market cheaper than the Carolina Rice.

Persons who have resided in India, *prefer* the East India Rice for their tables. The European habituated to the Carolina Rice, prefers the latter. But would the same preference continue, if the East India Rice were carefully cleaned, without breaking the

¹ Sugar, Cotton, Rice, Indigo, Coffee and Tobacco, only, (being the leading Staple Articles common to the East and West,) are expressly adverted to in these pages.

² Upon an experiment recently and carefully made with an equal weight of East India and of Carolina Rice, the former was found to produce a considerably greater increase of weight when boiled, and the food is obviously more solid.

gain; if the same care and attention were directed to its preparation for market, as the Carolina Rice receives?

Duly considered, the presumption arises, that the Trade in Rice is at the command of Great Britain, through her Indian Provinces; and it offers employment to her shipping,¹ sustenance to her population, domestic and colonial; sustenance to her neighbours, and activity to her commerce.

Such are some of the indications of the power of the Asiatic cultivator to meet the demand of the European market, in the great staples of Sugar, Cotton, and Rice,² even under disadvantages from the want of more active superintendence by the Europeans: with the full enjoyment of that superintendence, the progress of the Indigo Trade, more plainly shows the extent of his powers.

The culture of Indigo, in the East Indies, has been particularly fostered by the East India Company.

The quantity of Indigo, imported into Great Britain from the East Indies, in the year 1783, was 93,047lbs., which by progressive imports had increased in the year 1802 to 2,264,190lbs.

The East India Company's Sales of Indigo, in successive years were,

In 1803.	2,070,982lbs	£ 771,137
1804.	2,342,714	1,081,140
1805.	3,483,816	1,392,158
1806.	2,295,183	774,387
1807.	5,112,315	1,853,818
1808.	2,838,107	774,158
1809.	4,727,596	1,102,309
1810.	5,222,123	1,851,460
1811.	2,004,780	476,566
1812.	5,172,277	1,321,278
1813.	4,397,997	1,570,650
1814.	4,657,530	1,893,027
1815.	6,758,462	1,959,766
1816.	6,978,939	1,714,325

India, from remote antiquity, is known to have been fruitful in the most valuable productions, and is acknowledged, from their first introduction into Europe, to have excelled in the Silk, Cotton, and other manufactures; her productive powers are equal to any supposable demand upon her soil and industry; her richest Provinces are British; and if it be indeed desirable to consummate the

¹ Suppose the cost of a Ton of Rice, at Calcutta, to be 5l., and the value on the European quay to be 21l.; or 2½d. per lb. the Consumer, will pay 16l. or sixteen parts in 21, to the Navigation of the Carrying Country.

² The Coffee Plantations of Java, sufficiently manifest the capability of India in regard to the production of Coffee.

Slave abolition,—if it be indeed desirable to assure to Great Britain the command of the Market of Europe, associated as that object is, with the Trade in Manufactured Goods; if it be desirable to assure to Great Britain the undisputed and bloodless Empire of the Seas; the East India Trade, through the medium of the British Carrier, ought to receive all the impulse consistent with the protection of British West India Interests, the preservation of which is demanded by every consideration not involving the further importation of Slaves.

The power of the United States of America results chiefly from Planting and Navigation; and since the acknowledgment of the American Independence, the current of the British Policy has in a high degree been favorable to American Interests.

Those States, when British Colonies, were possessed of the British Market for the produce of their Plantations. Their change from Provincial allegiance to Independence and commercial rivalry, has not been sufficiently marked; and the high rate of Freight incident to the monopoly of the East India Company, too long prevented competition between the Asiatic and American Planter, and precluded the British People from continuing to draw from within their own Empire, their accustomed supplies. The Cotton Wool, Rice and Tobacco of America, under a different system, would have found cheaper substitutes in the Cotton, Rice and Tobacco of India.

Under the relaxation, during the late War in Europe, of that principle of Public Law, by which the Trade between Europe and her Colonies, is in time of War restricted, as to the several States, to the modes under which such Trade is conducted during Peace, and under the advantages which were conceded to her by the Commercial Treaty of 1794, particularly by the 18th Article of that Treaty, respecting the American intercourse with British India; the Navigation of the United States has been equally favored: when the Orders of Council of November 1807, were issued, the European Market was supplied with Tropical productions, chiefly through the medium of the American Flag, especially with the productions of the East; at a period too, when by a gross anomaly, the individual British Merchant was virtually excluded from the East India Trade.

Such are some of the benefits which have been enjoyed by the American, in preference to the British Asiatic and European Subject; the effect has been felt in the recent conflict between the two Countries, and in that conflict it is easy to discern the seminal principle of future Wars, the frequency and duration of which will depend upon their relative naval power.

Great Britain is, then, directed by the best maxims of Policy,

by councils which flow from the heart to the head, by councils which are alike prompted by feeling and by the understanding, to extend her Eastern Agriculture and Commerce.

The regulations which are at present presumed to be necessary to that purpose, and to increase and confirm the influence of Great Britain in the Market of Europe, are necessarily comprehensive in their plan. In number and character, they are few and simple.

It is suggested that direct intercourse in British Ships be permitted between the several British Presidencies in India and the Ports of Europe, for Sugar, Coffee, Rice, and all such other Articles as upon due consideration shall not be excepted, subject only to the following conditions;—That the Ship shall touch at Gibraltar or Malta, if bound to a Port South of Cape Finisterre, or at Falmouth or Cowes, if bound to a Port North of that Point; not to pay any duty, but to show that she is navigated agreeably to British Law.

And that she shall not receive for a destination beyond the limits of Europe, any Return Cargo, except at Malta, Gibraltar, or a Port of the United Kingdom.

That Cotton Wool and Rice be imported from the British Settlements in the East Indies, into the United Kingdom, free of duty; that the Importation of Tobacco from India be permitted at a reduced duty, and that the free Transit of all Articles, the growth and manufacture of the European Continent, be permitted by way of Great Britain, under the provisions of the Acts commonly called the Warehousing Acts, so far as such Articles are already the subject of direct Trade between Europe and other parts.

If it be objected;

First.—That a Trade so permitted in Sugar and Coffee might operate to the prejudice of the British West India Planter.

Second.—That by the proposed direct Trade, the business of the British Ports would be diminished.

Third.—That the free importation of Rice might interfere with domestic Agriculture, and that a duty is therefore expedient, by way of Regulation.

Fourth.—That the duty on Cotton Wool is low, and, upon all Cotton exported for Foreign use, paid by the Foreign Consumer.

Fifth.—That the United States of America receive British Goods in Payment for their Plantation produce, and that the Asiatic is to be paid in Money.

Sixth.—That the introduction of Foreign Manufactures even to be re-shipped, would bring such Manufactures into mischievous competition with the British Manufactures.

It is answered to the objections, in the order in which they stand:

Answer to objection as to British West India Sugar and Coffee.

1. That East India Sugar and Coffee are already conveyed direct to the Continent of Europe, in *Foreign Ships*, and that the home consumption of East India Sugar might be disallowed, whenever the price of British West India Sugar should render such regulation necessary to the protection of the West India Planter.

Answer to objection that the Business of the British Ports would be diminished.

2. That it is essentially in the nature of Commerce to avoid unnecessary charges and a slight observation of the present state of Commercial relations is sufficient to show, that, if Great Britain will not carry on a direct Trade in certain descriptions of commodities, other Nations will so trade.

Answer to objection that Domestic Agriculture requires to be protected against the Importation of Rice.

3. That it is known by experience, that the British Poor will not substitute Rice, for Household Bread, if the latter be within their means of purchase. And if Bread be not within their means of purchase, the voice of nature dictates that the supply of other food should be permitted at the cheapest rate.

Answer to objection that the Duty on Cotton Wool is low and in part paid by the Foreign Consumer.

4. That Cotton Wool is the basis of the most extensive of the British Manufactures.

That the Cotton Fabrics constitute the principal Cloathing of the Poor; and therefore cannot be produced too cheap. That the efforts of the people of the United States of America, and of all Europe, are strongly directed to competition with Great Britain, in Cotton Goods, and that it is therefore inexpedient to levy any duty on the raw material to be purchased in a state of manufacture by the Foreign Consumer.

Answer to objection that the American is a better Customer than the Asiatic.

5. That the efforts which are in progress in the United States of America, to establish manufactories, plainly indicate the contingent nature of the demand of those States for British Manufactures.

That the demand of Great Britain upon the Agriculture and Navigation of the United States, tends to augment their Manufacturing and Commercial Capital, and consequently to accelerate their second Independence, an Independence of the British Manufacturer.

That the continued dependence of the British Manufacturer upon the Cotton Plantations of America, is to be deprecated, as one of the greatest evils, to which he can be exposed.

That the losses and misfortunes which arose from that cause during the American Embargo, and American War, were very considerable.

That dependence upon that source of supply, would enable the United States of America, at any time, to cause distress and dismay throughout the Manufacturing Counties.

That when the United States, shall have established the Cotton Manufactory, a double incentive to War with Great Britain, will be felt:—namely, In the conscious power of distressing her, by withholding the supply of the raw material, and of under-selling her in Foreign Markets, when deprived of that supply.

That the demand of America for British Goods, is not confined to the Plantation districts, nor in those districts confined to barters; that even if Great Britain did not purchase any American produce, America would be encouraged still to deal extensively with her, if offering the cheapest Market, and that the speculation of some increase, or diminution of American demand for British Manufactures, cannot be allowed to interpose to the prejudice of objects incomparably more important.

That the Asiatic does purchase some of the European Exports, and that a considerable proportion of the cost in England of the raw produce of India is constituted by freight, paid in support of British Navigation and by profit to the British Merchant.

Answer to objection that the free transit of Foreign Manufactures would be mischievous to the British Manufacturer.

6. That permission to assort a Cargo in Great Britain, from her own productions in combination with all the other productions of Europe, would influence very powerfully the direction of Foreign property to British consignment.—

That it is well known that extensive consignments of foreign produce are made to the Continent of Europe in consequence of the request for the Continental Manufactures, which Consignments, upon every other consideration would be directed to the Ports of Great Britain.

That the Foreign demand for British Manufactures, must depend essentially upon the relative quality and price.

That the Trade of Transit, as proposed, would, by the increased attraction of Foreign Capital, tend to augment the demand for British Goods in all branches in which competition can be maintained, and that if competition cannot be maintained, the demand on the part of the unrestricted Consumer must necessarily cease.— That such Trade would give employment to British Ships on their return from the Ports of the Continent of Europe, and again on their Outward Voyage from Great Britain.

Of the productions of the Tropical regions of the Globe, Sugar is of the most considerable exported Value as it is unquestionably the most bulky.

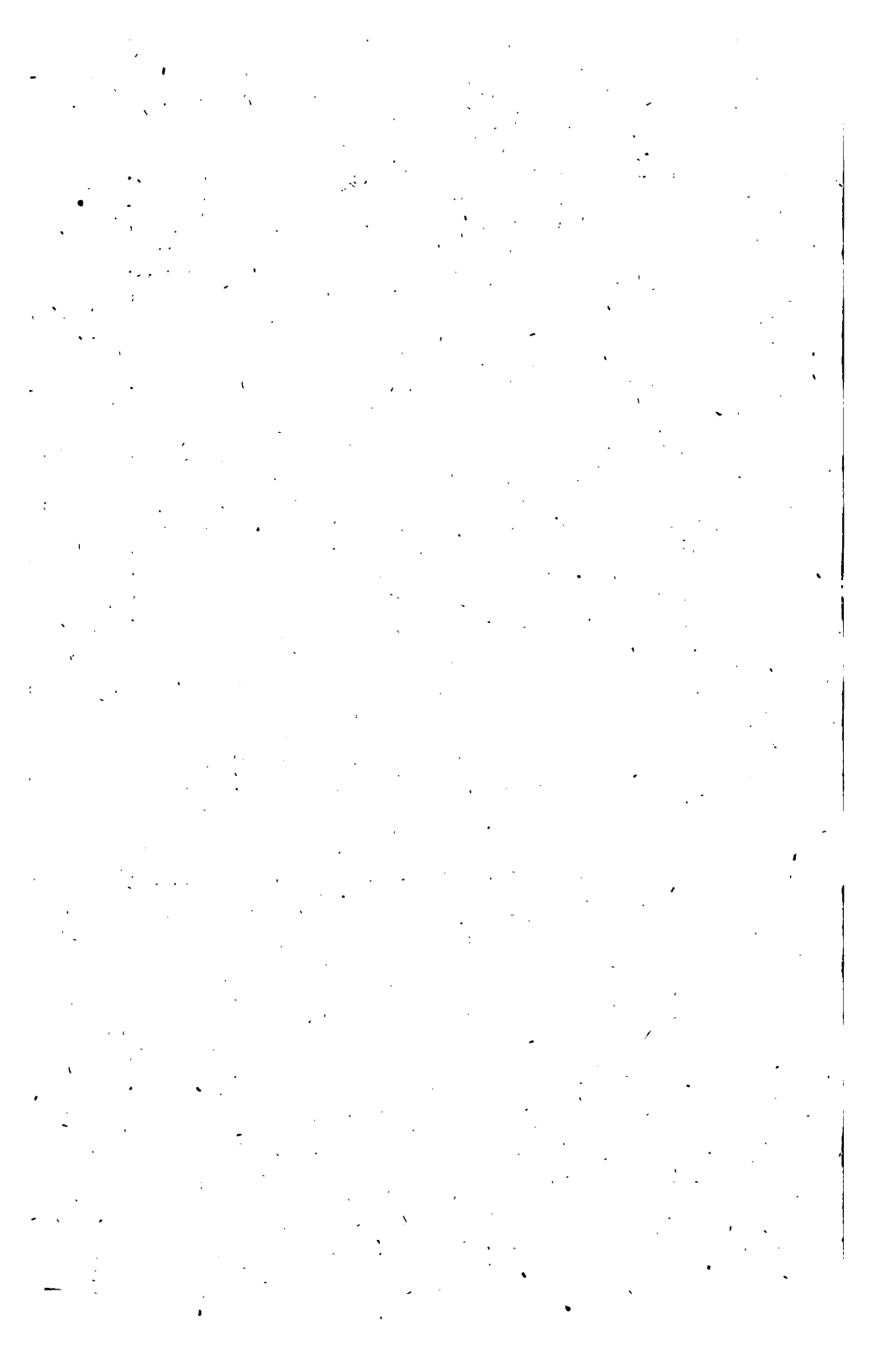
From the annual value of Sugar, refined and consumed in the raw state, in Great Britain, not less than Six Millions Sterling, it may be inferred that the demand of the Northern and Southern divisions of America, and the Continent of Europe, is an object of great magnitude.—That to supply that demand, labor to a vast extent must be brought into action, a large Commercial Marine be created, and important interests and relations be established: Coffee, Rice and Tobacco are respectively inferior to Sugar, in extent of value and bulk, but claim similar consideration in their relative proportion.

Cotton Wool is not only important as an Agricultural production, and as the subject of extensive employment to Shipping, but as the staple of the most extensive of all the Manufactures. The Annual Consumption of Cotton Wool in Great Britain upon an average of five years ending on the 31st day of December 1816, is 340,000 Bags equal at a low valuation, to Six Millions Sterling.

The greatest Marine carrier of those bulky and valuable products is most prepared for future contest, or is capacitated to controul Nations into Peace; the latter is the high and glorious privilege of Great Britain, if she duly improve the advantages offered in her Indian Provinces.

From Asiatic soil, Sugar and Coffee are to be produced to keep in check the plantations of the Foreign West India Islands, the Brazils, and other parts of America; from Asiatic soil, Cotton, Rice, and Tobacco, are to be produced to maintain competition with the produce of the United States of America.

In Asiatic Ports are to be Freighted the Ships by which, only, the Navigation of Foreign States, can be prevented from great and rapid increase.—Upon Asiatic soil only are the advocates of the Slave abolition to gain their final victory: Upon the British Asiatic Policy in the developement of the unbounded resources of British Asia, depends the ascendancy of the British Name.



A
LETTER
TO THE
COMMON COUNCIL AND LIVERY
OF
THE CITY OF LONDON,
ON THE
ABUSES EXISTING IN NEWGATE;
SHOWING
THE NECESSITY OF AN IMMEDIATE REFORM IN THE
MANAGEMENT OF THAT PRISON.

BY
THE HON. H. G. BENNET, M. P.

SECOND EDITION.

LONDON:

1818.

A

LETTER,

&c. &c.

To the Common Council and Livery of the City of London.

GENTLEMEN ;

It is with great reluctance I address this letter to you ; but, having long thought on the subject, it has appeared to me, that the cause which I am advocating requires only to be stated in a plain and simple manner to receive from men liberal and enlightened as you are, their zealous and unanimous support.

It cannot surely be necessary for me to declare, that I have no pleasure in discovering and exposing the negligence or apathy of men, from whom better conduct and other feelings might have been expected. I have no resentments to gratify, no partialities to indulge, no private interests to serve. As an English gentleman, I am solicitous for the character of my country : as wishing to benefit my fellow-creatures, my endeavours are aimed at checking the increase of crime by the reformation of criminals, and by bettering the condition of those, who are the most unfortunate because they are most guilty.

I make, then, this appeal to your good sense and humanity, because it is through them only that success in the object sought after can be obtained ; because an opinion expressed by you, and followed, with your accustomed zeal and activity, by conduct founded on that opinion, acting upon the discretion of those who are your magistrates and representatives, will compel them to take those steps, which can alone rescue the metropolis of this great empire from the well-merited stigma of having the worst-regulated prisons in the kingdom. Is it, indeed, too much to expect—while many

of the counties and cities in England are vying with each other in the excellence of their reformatory arrangements, and can show their establishments for the confinement of criminals, with pride, to those whose philanthropy leads them to their inspection—that the City of London should be called on to cease confining the wretched persons, whose guilt or whose misfortunes have made them amenable to the laws of their country, in a manner against which common sense and the most ordinary humanity revolt, and in a manner calculated to augment every evil, for the prevention of which the use of punishments and penalties is warrantable.

This subject, to the discredit of the city of London, is not new; it is not now agitated for the first time. In 1783, Mr. Howard, referring to old Newgate, says, “that the builders seemed to have regarded in their plan nothing but the single article of keeping prisoners in safe custody. The rooms and cells were so close as almost always to be the constant seats of disease and sources of infection. The city had, therefore, very good reason for their resolution to build a new gaol.—I print the plan of it, rather to satisfy curiosity than as a model to be followed. I am of opinion, that, without more than ordinary care, the prisoners in it will be in great danger of the gaol fever.”¹

In the second volume of his works, which gives an account of Newgate in 1787, he remarks, “that there was *no alteration* since his former publication. In three or four rooms there were nearly one hundred and fifty women crowded together: many young creatures with the old and hardened; some of whom had been confined upwards of two years. On the men’s side there were many boys of twelve or fourteen years of age, some almost naked. In the men’s infirmary there were only seven iron bedsteads; and at my last visit, there being twenty sick, some of them, naked and with sores, in a miserable condition, lay on the floor, with only a rug. There were four sick in the infirmary for women, which is only fifteen feet and a half by twelve, has but one window and no bedsteads; sewers offensive; prison not whitewashed. That, unless room be given for the separation of the prisoners, and a reform be made in the prisons, an audacious spirit of profaneness and wickedness will continue to prevail in the lower class of the people of London.

“In 1787 there were in Newgate 140 debtors and 350 criminals = 490. In 1788, 114 debtors, 499 criminals = 613.”²

From this period to 1810, being a period of twenty-three years, the system under which Newgate was misgoverned was gradually becoming worse, from the increased number of persons who were

¹ Howard, page 213.

² Howard, vol. ii. p. 124, 125.

imprisoned there, and from the total want of classification of offenders according to the degrees of age and crime.

In 1808, Sir Richard Phillips, one of our sheriffs, addressed a letter to the Livery of London, on the condition of the different prisons under his control. In his observations on Newgate he complains (as existing then) of all the defects which a prison can possess: of want of room, air, food, classification, &c. He says,

"That he has been shocked to see boys of thirteen, fourteen, and fifteen" (and he might have added infants of nine years of age), "confined for months in the same yard with hardened, incorrigible offenders. Among the women, all the ordinary feelings of the sex are outraged by their indiscriminate association. The shameless victims of lust and profligacy are placed in the same chamber with others, who, however they may have offended the laws in particular points, still preserve their respect for decency and decorum. In immediate contact with such abandoned women, other young persons are compelled to pass their time between their commitment and the session, when of course it often happens, that the bill is not found against them by the Grand Jury, or they are acquitted by the Petty Jury."¹

"To convey a just idea of these yards, and of the yards in which the prisoners live and lodge, the most apt comparison is the engraved representation of a slave-ship, which a few years ago was circulated through England with much effect. When the prisoners lie down on their floors by night, there must necessarily, at least in the women's wards, be the same bodily contact, and the same arrangement of heads and legs, as are represented in that drawing of the deck of a slave-ship. The wards being only forty-three feet wide, admit by night of two rows to lie down at once, in a length of thirty-seven feet; that is to say, twenty-five or thirty women, as it may be, in a row, having each a breadth of eighteen inches by her length. At times, women have laid in the space afforded by the difference between the breadth of the room and the length of two women."²

These facts, as stated by your sheriff, require no comment. The space for the confinement of the women is so limited, that this species of bodily torture is in constant operation when Newgate is crowded with female prisoners; and the miseries suffered by the poor wretches in 1808 were still continued to be suffered in 1817.

Here, then, is a prison, the mismanagement of which has been for years notorious, published, proclaimed, reported against by the

Sir R. Phillips's Letter to the Livery of London, p. 83, 94, 95.

Ibid.

proper officers, and yet there is no real reform. The occasional humanity of a sheriff remedies one abuse, relieves one misery, redresses one wrong, cleanses a sewer, whitewashes a wall; but the main evils of want of food, air, clothing, bedding, classification, moral discipline, and consequently moral amendment, remain as before, with this additional aggravation, that ignorance of these grievances cannot be pleaded as an excuse for the neglect of duty in not redressing them.

The Grand Jury of Middlesex having presented the deplorable condition of Newgate, a copy of which presentment was moved for in the House of Commons by Mr. Eden, a Committee was appointed to inquire into the state of that prison, &c.

I had the honor of being one of its members, and Mr. Eden was chairman. The Report of that Committee being published, and of so recent a date, it is not necessary to enter into a minute detail of its contents. It may be necessary, however, to remark, that, in the debate which took place when the Committee was appointed, the arguments of your members went to prove, that there were no evils in Newgate but those arising from over-crowding; and that, when the debtors and transports were removed, there was a prospect of a remedy. Mr. Alderman Atkins *vindicated the whole establishment, compared the inside of a prison to a gentleman's dairy in the country*, and said that, *if there was any want of cleanliness, it was owing to the women, whom it was impossible to keep clean*: and then, in no very disguised terms, insinuated, that Mr. Eden was not actuated by a desire of remedying the abuses he complained of; but by the unworthy motives of depreciating the characters of the magistracy. The House of Commons was not, however, turned from its purpose: a Committee was unanimously voted, and Sir William Curtis seconded the motion. To satisfy you, however, how little the magistrates knew of the inside of their own prison, I shall enumerate some of the prominent defects, which are set forth in the Report, and in the evidence annexed to it.

The prison of Newgate was calculated to hold one hundred and ten debtors, and three hundred and seventeen criminal prisoners. Mr. Box, the surgeon, affirms, that, when the whole number exceeded five hundred, great danger of infectious fever was to be apprehended. In January, 1814, three were eight hundred and twenty-two persons confined there.¹

No bedding was provided, and the allowance of food to the prisoners was so small as, without the assistance of their friends,

¹ Mr. Neild mentions, that he has been informed there were, at one time, three hundred and twenty-five debtors, and nine hundred criminals; making in all upwards of twelve hundred prisoners.

to be hardly sufficient to support life. To the debtors neither coals nor candles were provided. Garnish was suffered to be taken from all new comers, and from thirteen pounds to one guinea were demanded and exacted. Among the criminal prisoners, there was hardly an attempt at classification; and those who were confined for assaults, as well as the political libeller, were associated with the perjured and fraudulent, and with persons convicted for attempts to commit abominable crimes.

The keeper of Newgate never attended divine service; and the ordinary did not consider the morals of even the children who were in prison as being under his care and attention. *No care was taken to inform him of the sick, till he got a warning to perform a funeral.* There was no separation of the young from the old, the children of either sex from the hardened criminal. Boys of the tenderest years, and girls of the ages of ten, twelve, and thirteen were exposed to the vicious contagion that predominated in all parts of the prison; and drunkenness prevailed to such an extent, and was so common, that unaccompanied with riot, it attracted no notice.¹

In the following year, 1815, I moved for a Committee to examine into the state of the Fleet, King's Bench, and Marshalsea Prisons, and also to inquire into the arrangements made for the better management of the prisons of Newgate, &c. The Committee reported, that many good arrangements were projected, and that some had taken place; a better allowance of food and coals was made, and some of the prominent evils were removed; but the classification of persons remained as defective as before. And it is observed in the Report,

"That it is with pain the Committee have learned, from Mr. Cotton, the new ordinary, the condition of the female criminal prisoners; and they hope that it is not in many prisons in England where it can be said, that swearing and drinking are among the women prisoners the prominent evils; that they stupify themselves to get rid of all reflection; that they have ceased to have any consciousness of sex; and, that they seem to be unsexed when they come into the gaol."²

This disgusting and painful, but true picture of the condition of the female prisoners, I have selected from the rest of this valuable and right-hearted testimony, in order to beg your attention to this circumstance; namely, that the tried and untried were all mixed together, and that it has happened to young, modest, and innocent girls to be detained in this dreadful assemblage for weeks before they obtained their discharge by an acquittal of a jury. To remedy

¹ Commons' Report and Evidence, 1814.

² Commons' Report, 1815.

this acknowledged evil, it was sometimes the practice to place these victims in the hospital, amid the diseased and the dying, in order to save them from the moral infection that prevailed among their companions in prison.

The next statement of the condition of Newgate is to be found in the Second Police Report of the last session; and Mr. Poinder, who gives this valuable evidence, must be well known to you all, as fully qualified to speak correctly upon the subject, he having filled the office of under-sheriff for three years. You will judge from his account also if the over-crowding the prisoners was the only defect of the prison; and you will not forget, that the passage in his evidence to which I refer you, is a copy of a Report which he made officially to the sheriffs, and that it bears *the date of 1816*. This valuable witness speaks with becoming horror of the *remarkable corruption of the metropolitan prison*:

“The indiscriminate visiting of the prison of Newgate by all persons, whether male or female, who claim any relationship with the prisoners, is altogether opposed to the moral improvement of those who are confined, and to the due regulation of the interior. The following reasons may serve to show, that this opinion is well founded.

“First. One object of confinement is the withdrawing the criminal for a time from the companions of his former life, and from the evil courses to which he has been addicted, in order that, by such retirement, leisure and opportunity may be afforded for an alteration of conduct. Upon the present system, he associates with the same companions, talks the same language, and enjoys the same vices to which he has been accustomed in the world. So far, therefore, as the criminal is concerned, he remains the same character still. Nor is the general aggregate of crime lessened by his confinement, since it can be proved, *that, from the facility of intercourse which subsists between the interior and exterior of Newgate, some of the worst and most extensive burglaries have been plotted in that prison. Forged notes have been both fabricated and passed there, and coining itself has been carried on within its walls.*

“Secondly. The introduction of spirituous liquors, and their ordinary use through the prison, is inevitable upon the present system. The fact is notorious, that, in spite of public acts of parliaments, and the regulations of the court of aldermen, spirituous liquors may be procured by all the prisoners, not excepting those under sentence of death, who are frequently under the sensible influence of liquor (though not in a state of intoxication) from the time of the report coming down to the period of their execution. A search of visitors, particularly of females, is indeed professed to be made by the turnkeys; but whoever has had an opportunity

of observing the manner in which this is done, must be sensible, that it is little else than a matter of form. A trifling bribe will purchase the right of passing without too strict an inquiry; and, although convictions have occasionally taken place of persons for carrying liquor into the prison, such cases are usually only those in which a proper understanding has not subsisted between the turnkeys and the offenders: and the practice does undoubtedly prevail to a very large extent: nor will it be possible to prevent it, so long as the unrestrained influx of visitors is permitted.

"Thirdly. The principal evil, perhaps, which is consequent upon the present system of visiting, is the constant introduction into the prison of the most profligate and abandoned females who are to be found in the metropolis. A woman has only to state herself to be the wife of a prisoner, and although she may be well known as a common street-walker by every turnkey, she must pass; she is admitted without farther inquiry. In this way every man in Newgate is visited by any woman who chooses to inquire for him; and the mere mention of his name is in the same way permitted to pass all those women who choose to apply for admission for the purposes of general prostitution. It is hardly necessary to enter into any detail of the consequences of such a system, nor to advert to the gross scenes which must have been observed in open daylight, by every one who has been much in the habit of frequenting the prison. But this is not all, nor perhaps the worst. It is certain that females are not excluded at the time of locking up the prison for the night; but every woman, who chooses to remain through the night, may do so upon the small fee of one shilling being paid for this permission. This perquisite of the turnkeys is technically called the *bad money*, and is divided between them. It is easier to conceive than to describe the horrid profligacy and indecency attending such a system as this, in wards, each containing several beds, most of which are not separated from each other even by a single curtain. Nor is there, perhaps, any circumstance which calls more loudly for reform and correction than this, nor one which more clearly marks the evil of indiscriminate female visiting; since, whatever rules may be made, which are intended to be obligatory either on the keeper or the turnkeys, the practice of visiting, on the part of the females in general, can never be subjected to regulation so long as it is permitted to exist at all. If an alteration were once to take place in this particular, and to be acted upon with firmness, incalculable improvement in the condition of the prison and the character of the prisoners could not fail to be the result. *At present, the depravity of the metropolitan prison is proverbial.* The cases of venereal disease, always to be found in the infirmary, are for the greater part, if not altogether, contracted in the prison; and, in short, a more deplor-

able state of society cannot be imagined than that which is consequent upon the unlicensed intercourse which subsists between the prison and public."

Mr. Poinder was asked by the Committee, if he ever complained to the keeper of Newgate of the detection of women in the prison after the lock-up hours. He answered, that he had done so frequently; but that Mr. Newman denied any knowledge of the fact. The witness had no doubt of the truth of the statement; and it had been repeatedly told him by criminals about to be executed. In confirmation of this evidence, I declare, that I entertain no doubt, from the various communications that have been made to me, that the circumstances detailed by Mr. Poinder were of common occurrence.

Before I refer to the alterations and improvements that have taken place in Newgate since Sir Richard Phillips first published his Letter, and the attention of Parliament was directed to the subject by the present Lord Auckland, I wish to draw your attention to the condition of that prison in May, 1817, seven years after the Common Council passed sundry resolutions recommending various measures of improvement; and two years after the debtors had been moved to their new prison, which, according to your magistrates and representatives, was the great desideratum, and which event in itself would remedy all the objections which were made to their mode of managing their prisons. I do not know where I can find a more detailed account than is contained in the evidence I gave before the Police Committee last year; and, though it be already before the public, I reprint it here, that you may have the progress of the improvement in Newgate; and when I show you, which I shall shortly do, its present state, you may be able clearly to see what yet remains to be done.

"I wish to state to the Committee the result of the observations that I have had an opportunity of making upon the general subject of the Police of the metropolis; and, in order to be able to speak precisely upon the condition of the different prisons of London, I have lately minutely examined them in detail.

"I visited Newgate in the beginning of the month of May, 1817, and went round, first, the female side of the Prison. I had been there a few weeks before, and found it, as usual, in the most degraded and afflicting state. The women were then mixed all together, young and old; the young beginner with the old offender; the girl for the first offence, with the hardened and drunken prostitute; the tried with the untried; the accused with the condemned; the transports with those under sentence of death; all were crowded together, in one promiscuous assemblage, noisy, idle, and profligate; clamorous at the gratings, soliciting money,

and begging at the bars of the prison, with spoons attached to the ends of sticks.

"In little more than one fortnight the whole scene was changed, through the humane and philanthropic exertion of Mrs. Fry, the wife of a banker in the city, assisted by others of the Society of Friends; and it is but justice to add, seconded by the Lord Mayor, Aldermen, and Sheriffs of London. In the first yard I visited were seventy-eight women, fines and transports together; the fines being persons under sentence of imprisonment for short terms; sixty-five of these were employed in needle-work, which had been procured for them: there were also with these women seventeen children. Of the seventy-eight, sixty-four were under sentence of transportation, and fourteen for short terms of imprisonment; twenty-two of them slept in one room, which was only twenty-four feet by eighteen. In one fortnight, the work done was three hundred and forty-four shirts, and sixty-four shifts, fifty-nine aprons, and two hundred and fifty pinbefores. The women were divided into seven classes; and they earned, on an average, about three-pence a day each individual: part of which is weekly paid, and part set aside, to be paid on leaving the prison: the materials for work were given in this instance; but, if they were to be paid for, would cost about two-pence in the shilling. Among these seventy-eight persons were six old women, from fifty to fifty-eight years of age, four of whom were capital convicts for coining. The appearance of this part of the prison is also greatly changed; it had been newly painted and fitted up, and a work-room set apart for the matron. On the walls hung the rules, which I subjoin.

"RULES.

"First. That a matron be appointed for the general superintendence of the women.

"Second. That the women be engaged in needle-work, knitting, or any other suitable employment.

"Third. That there be no begging, swearing, gaming, card-playing, quarrelling, or immoral conversation: that all novels, plays, and other improper books be excluded, and that all bad words be avoided: and any default in these particulars be reported to the matron.

"Fourth. That there be a yard-keeper chosen from amongst the women, to inform them when their friends come; to see that they leave their work with a monitor when they go to the grating; and that they do not spend any time there except with their friends: if any woman be found disobedient in these respects the yard-keeper is to report the case to the matron.

"Fifth. That the women be divided into classes of not more than twelve, and that a monitor be appointed to each class.

" Sixth. That the monitors be chosen from amongst the most orderly of the women, that can read, to superintend the work and conduct of the others.

" Seventh. That the monitors not only overlook the women in their own classes, but, if they observe any others disobeying the Rules, that they inform the monitor of the class to which such persons may belong, who is immediately to report to the matron, and the deviations to be set down on a slate.

" Eighth. That if any monitor be found breaking the Rules, she be dismissed from her office, and the most suitable in the class selected to take her place.

" Ninth. That the monitors be particularly careful to see that the women come with clean hands and face to their work, and that they are quiet during their employment.

" Tenth. That at the ringing of the bell at nine o'clock in the morning, the women collect in the work-room to hear a portion of Scripture read by one of the visitors or the matron; and that the monitors afterwards conduct the classes from thence to their respective wards in an orderly manner.

" Eleventh. That the women be again collected for reading at six o'clock in the evening, when the work shall be given in charge to the matron by the monitors.

" Twelfth. That the matron keep an exact account of the work done by the women, and of their conduct."

" No stranger has here admission without special leave, and a check has been put to the entrance of the men prisoners, who were employed as workmen, and who used to have a free and almost unrestrained intercourse with the females. Though this part of the prison is, however, much improved, yet there is still no separate place for washing and cooking, and the sewers are very offensive. There are yet no proper means for classification and arrangement of the prisoners; but the change in their appearance was most striking: the bold, hardened look of guilt was gone; the impudent system of begging had ceased; all were busy and cheerful, and all at least looked contented and happy. I asked, in all the rooms of the prisoners, if they preferred occupation to idleness, and if they approved of the change? The answer was unanimously 'Yes;' and several, with tears in their eyes, said, 'If we had had any means of gaining our bread we should not have been here.'

" In the other yard, this excellent system had not been adopted. There were in it twenty-five women and six children, eleven being for trial, and fourteen tried; eight of whom were transports, and six fines. Here also was the school, which was attended by fifteen children and twelve young women. In the long room on this side (which is of a dimension entirely unequal to contain them), seventy

women have lately slept; indeed the number of females was at this period so great in the prison, as to create some apprehension of disease breaking out among them. In the school were thirty-three boys, the youngest of which was ten years of age, the eldest about fifteen years of age: of the thirty-three, eight were untried. These boys were employed in school about five hours; the remainder of the day, there being no work, was passed in idleness.

"In the first yard, north side, were thirty-two prisoners, twenty-one capital convicts and under sentence of transportation for life, eleven for seven years. The friends of the prisoners are admitted to the grating from nine o'clock in the morning till five in the afternoon, and their wives admitted into the yard on application: this permission is given in turn. Beer, or porter, is allowed to be sent for from one to two, and from seven to eight; and each prisoner may send at a time for about one pot. I mention these regulations here, as they apply generally to the men's side of the prison.

"In the third yard, north side, were eighteen prisoners, all transports for seven years: one of them, a boy fifteen years of age, had been in Newgate three times.

"The chapel-yard contained thirty-six fines, sentenced from two years to six months imprisonment: no work, and the whole day spent in idleness, from sunrise to sunset. In a separate apartment, the conspirators were confined together, being Brock, Vaughan, Pelham, and Power: some of them had been under sentence for seven or eight months..

"In another yard were seventy-two prisoners, thirty-five of whom had been tried, and thirty-seven were untried; of the tried, three were transports for life, four for fourteen years, and three fines for short imprisonment, one for little more than one month: of the untried, two were for murder, and several for housebreaking and highway robbery; one of these was a boy of sixteen or seventeen years of age, who had been in Newgate ten times.

"In the transport yard were thirty-three prisoners, viz. four for life; two for fourteen years; two, judgment respited; two, month's fine; and the remainder for seven years.

"In the condemned yard were thirteen under sentence, besides twelve in the infirmary; one of these last was in a strong paroxysm of mania when I saw him: he was chained down, and was represented as noisy and furious in the night. In this state he had been above a month: he had been also in Newgate before, and was known to be deranged.

"In Newgate were, on the day I visited it, two hundred and forty-six men and boys, one hundred and fourteen women, and twenty-six children.

"Having thus given the Committee a general account of the

state of Newgate in the beginning of the last month, I wish to point out what appear to me to be the defects of the establishment. First, in the construction of the prison, there are no means provided for a constant or even occasional inspection, so that the prisoners pass the greater part of their time out of the eye and control of the keeper or his turnkeys. There can be no doubt, that Mr. Newman, the late keeper, is an honest, humane, kind-hearted man, and a faithful servant to the city; but the defects of the prison are to be found in the system, and not in the conduct of the person at the head of it: till that system be changed, no new keeper can materially change the character, or remedy the evils of Newgate.

“ Since the Committee of the House of Commons made their last Report on the condition of the prison, many alterations and improvements have taken place; but the radical defect still remains, and that is want of room. Hence arises the absence of classification, the perpetual idleness of the prisoners, and the crowding together in one promiscuous society of offenders in different stages and degrees of criminality. The Committee of the House of Commons objected to a system which prevailed in the prison, by which criminals, as well as accused, were enabled, if they had money in their pockets, to purchase apartments of superior accommodation: that practice is now abolished; but at present another evil has arisen, namely, there being no place in which persons who are committed under sentence, or for misdemeanours, or for want of bail, can be separated from offenders, whose crimes are of a more serious character. Mr. Butt, when confined recently for want of bail, occupied a room in which were five other persons, two of them committed by the commissioners of bankrupts, one for perjury, and two transports. I cannot help considering this arrangement as confounding all notions of crime, and all measure of justice. When the offences are different, the intermixture of criminals is a great aggravation of the punishment; and to shut up a person under accusation of publishing a libel, in the same room with transports and felons, is most unwarrantable. There ought to be separate apartments in the prison, where persons might be placed, at the direction of the sheriffs, or visiting aldermen of the city, who, either from the nature of their offences, or from their situation in life, ought not to be associated with persons of another description and character. Even if the person has been tried and convicted, it is not true that crime levels all distinctions; and a well-educated clerk, who has defrauded his master, or one who has been bred in different habits, and accustomed to other society, should not be turned into a yard with common thieves, with convicted housebreakers and pickpockets. I have seen many interest-

ing young men in this dreadful situation ; and have, through the kindness and attention of the Secretary of State, rescued several from the sentence of the law, which condemned them to the Hulks ; yet still they had been long enough in their prison, associated with the lowest and vilest of criminals, with convicts of all ages and characters, to render it next to impossible but that, with the obliteration of all sense of self-respect, the inevitable consequence of such a situation, their morals must have been destroyed : and though distress, or the seduction of others, might have led them to the commission of this their first offence, yet the society they were driven to live in, the language they daily heard, and the lessons that were taught in this academy, must have had a tendency to turn them into the world hardened and accomplished in the ways of vice and crime.

“ There is another evil in Newgate ; one, to my mind, of the greatest magnitude, namely, the state of the condemned cells. At present, they are fifteen in number, and will, with great inconvenience, contain forty-five persons ; that is to say, three in each cell. On the 19th of February, 1817, there were eighty-eight persons condemned to death in Newgate, of which five had been sentenced in the July preceding, four in September, and twenty-nine in October. The evil of this assemblage of persons is the entire absence of all moral or religious feeling. The greater part of the criminals know, that on them the sentence of the law will not be executed ; while those, whose fate is certain, or who doubt what the event may be, are compelled to associate and live with the rest, lessening the ennui and despair of the situation by unbecoming merriment, or seeking relief in the constant application of intoxicating stimulants. I saw Cashman, a few hours before his execution, smoking and drinking with the utmost unconcern and indifference. Nor indeed is this all : supposing the prisoners of two sessions are under sentence, one reported and the other not, there is no separation between those who are to be executed and those who are unreported ; the latter are gay, and even joyous, while the former pass the few hours to remain to them in a feverish dream, and the efforts of the ordinary are too often exerted in vain, to direct their thoughts from the present to a serious consideration of the future.

“ I have witnessed many instances, where this union of prisoners, in different stages of punishment, has produced the most distressing effects. A man by the name of Kelly, who was executed some weeks back for robbing a house, counteracted by his conversation, and by the jest he made of all religious feelings, the labor of Dr. Cotton to produce repentance and remorse among the prisoners in the cells ; and he died as he lived, hardened and unrepenting. He sent to me the day before his execution ; and when I saw him he

maintained the innocence of the woman convicted with him, asserting, that not Flicker, but a boy concealed, opened the door and let him into the house. When I pressed him to tell me the names of the parties concerned, thereby to save the woman's life, he declined complying without a promise of pardon. I urged, as strongly as I could, the crime of suffering an innocent woman to be executed to screen criminal accomplices; but it was all to no effect, and he suffered, maintaining to the last the same story. With him was executed a boy of nineteen or twenty years of age, whose fears and remorse Kelly was constantly ridiculing. These incidents are but too common; and, among the manifold evils of the present system of Newgate, which is so discreditable to the metropolis, I think the state of the condemned cells the most prominent.

"It is, however, necessary to remark, that the new keeper, Mr. Brown, has commenced a system of reform, in all the departments of the prison, which, as it is much wanted, will, if persevered in, produce the most salutary results. The Committee will learn with surprise, that as yet no regulations or rules have been made by the city magistrates for the government of the prison. Mr. Brown has, however, of his own authority, made several which I highly approve; and he has constructed a book for the entering of the names, commitments, and convictions, with the dates of the same, which heretofore did not exist. He is endeavouring to check the abuses which have prevailed in the management of the prison: among these abuses the sale of offices has been the most serious; and I have been informed, that the place of wardman to the different wards has been often purchased, not of Mr. Newman, who was ignorant of the transaction, but of the turnkeys. I know an individual who told me, that he offered fifty guineas for one of those situations, and was refused, no doubt because a better price was got. The introduction of spirits still continues, and, till the admission of strangers is better regulated, will never be wholly prevented.

"The admission of women into the condemned cells has led to great abuses. And I cannot avoid expressing a hope, that the city magistrates will never again permit a transport to act as an assistant to the surgeon in the hospital, which was the case for several years, when a man by the name of Hill, a hair-dresser, and who has been recently discharged, filled that situation. As a medical assistant he must have been worse than useless. But I object to the employment of convicts in any office of trust in a prison, and I am sure a minute examination of the consequences of the appointment alluded to, would prevent a recurrence of the same evil.

"But I wish to impress strongly on the Committee, that Newgate is much too small for its tenants: it is ill-arranged, and ill-constructed; and it is, to my mind, the duty of the city of London to construct, without delay, another prison: till this is done the evils arising from a want of classification will constantly occur; and it may again happen that an individual, of good birth and education, accused of a fraud, may be made to occupy the same bed with a murderer and housebreaker; or that a reputable merchant, who was acquitted of the crime of which he was accused, should be associated with characters of such hardened guilt, as should daily and hourly insult him with impunity, when he in his affliction tried to peruse the Bible, which is placed in each room. This is an evil of constant occurrence; and those whose consciences are not yet hardened against remorse, when seeking consolation, which in such circumstances religion can alone give, meet with the scorn and reproaches of their criminal associates.

"There is another practice, which produces very bad effects; viz. the police officers sending prisoners to Newgate at a late hour of the night; at ten, eleven, or even twelve o'clock. There can be no necessity for this: nine persons out of ten, probably, are fully committed at an early hour, and are left drinking at the different public houses till the hours above mentioned. Unless there be a special occasion, no prisoner ought to be sent to Newgate after sun-set; the gaoler then would have time to examine into his character and condition, and to make arrangements which might be suitable for his confinement.

"That Newgate is too small cannot be too often repeated. The prisoners can neither be treated as they ought, nor classed as is necessary; if not for security, at least to prevent the spreading of criminal contagion. In my own opinion, the most advisable plan would be to construct another prison for untried offenders, and to keep Newgate as it at present exists, for those who have been convicted; the untried should be separated from the convicted.

"I wish also to impress on the Committee the necessity of limiting the use of irons to those, who have been found guilty of murder or felony; and that they should never be used on the untried, except after an attempt to escape, or for the purposes of punishment: to be ironed should be the punishment of guilt, not of criminal accusation. Besides, a new arrangement could then take place in respect of those under sentence of death. It would no longer be considered as necessary to place a little boy, only thirteen years of age, in the condemned cells with two men convicts; and the ordinary might escape the censure of the visiting magistrates for having interfered to save an unfortunate boy, by placing him in the school, from a farther corruption of character, which must

have resulted from his being in the yard with the condemned felons. Mr. Cotton, the ordinary, has never used any authority in the prison, but to remedy the evil of the system established there, and to lessen, as much as in his power, the effects of that mischievous intermixture of all ages and crimes. I have scarcely ever been to Newgate but I have found him visiting the afflicted, and consoling the unfortunate; and, if he has stepped beyond the strict line of his official duty, in extending his aid beyond the performing the services of his religion, he has done so for the best of purposes, and to my mind has used the wisest means; and to lessen that authority would, in my opinion, deprive the criminals of one of their best securities against the abuses of power. As Newgate now is, it is not only the receptacle of criminals, but a school of crime. Robberies are here planned; and it is not long since a notorious character, recently sent to the Hulks, and who possessed money, used to entertain within the walls the most noted thieves in London; and enticing a young man into their society, who was there for defrauding his employers, attempted to seduce him to the betrayal of the transactions and correspondence of the house to which he had belonged. He was offered his share of the booty to be so got. The temptation was resisted; but I mention the story in illustration of the evils stated to arise out of the management of the prison; and I believe there is no place in the metropolis where more crimes are projected, or where stolen property is more secreted, than in Newgate. I think the prison, as it is, one of the worst features of a bad police, and has been, and is, one of the leading causes of the increase of crimes."

Having thus laid before you the state of Newgate in May 1817, I refer back to the proceedings of the city of London. You will recollect, in the first place, that the letter of the sheriff, Sir Richard Phillips, was dated September 16, 1808; and according to the evidence of Mr. Newman¹ the Grand Juries have reported against the sufficiency of the prison during the whole time he has known it (being a period of many years). Well, then, with these statements on the part of their own officer, and the presentment of the various juries, directed so to act by the 31st Geo. III. (and let it be added, with the positive personal knowledge of every magistrate, it being the duty of all, in their respective turns, to visit and inspect the prison); the whole court of aldermen must have been eye-witnesses to the misery, poverty, overcrowding, want of food, air, bedding, clothing, employment, classification, and moral discipline of the prisoners. These things lay on the surface; but, if the smallest examination had taken place, or one of the least of their various

¹ Report to the House of Commons, 1814.

duties had been performed, all the facts that are contained in the evidence taken before the House of Commons' Committees would have been made manifest.

On the 21st of June, 1809, the Committee of General Purposes referred to a sub-committee the letter of Sir Richard Phillips : that sub-committee made a Report, which was delivered to the Common Council on the 15th of May, 1810, being above ten months after the publication of complaints such as you have seen them enumerated in the letter of that active sheriff. The report of the sub-committee does credit to the talents and humanity of its authors; and no one can read it without being astonished at the length of time the miseries, thus eloquently described, were suffered to exist. Newgate, by this Report, is calculated conveniently to hold four hundred and ninety prisoners, criminals and debtors : yet, in Mr. Akerman's time, one thousand have been confined there. In 1789 and 1790, from eight to nine hundred : and though there is room only for eighty female criminals, yet there have been as many as one hundred and sixty. I must here, however, observe, *that the deficiencies of food, clothing, and fuel, are not even alluded to* ; though Mr. Box, the surgeon, expressly mentions, not only the crowded state of the gaol, but the *want of proper bedding and sufficient clothing*. The sub-committee refer, besides, to the condition of the prison of the Poultry ; and though I did not intend to have entered minutely into the state of any gaol but that of Newgate, yet, as illustrative of the general system of neglect, I cannot refrain from extracting a few passages from the Report. An act of Parliament had passed in 1804, authorising the removal of the prisoners of the Poultry to Giltspur Street; and it was certainly advisable, in 1810, to *do something towards remedying the evils attendant on the confinement of persons in the former prison, which was in such a dilapidated and ruinous condition, as six years before to require pulling down*.

"We found," say the sub-committee, in 1810, "the Poultry Compter in a most ruinous and deplorable condition, and by no means a fit place for the confinement of prisoners of any description. The several persons committed to take their trial are here confined till the gaol delivery at the time of each sessions; and the keeper stated, at the last September sessions there were fifty felons confined there. The whole of the night charges of the city are brought to this Compter, as well as all the vagrants; Giltspur Street Compter being at this time appropriated for the confinement of the whole of the debtors belonging to the two compters; and, whatever may be the cause of their confinement, they cannot be separated from the felons, there being one yard only to the whole prison, *in which men, women, and children of all descrip-*

tions, confined there, are compelled to be together. The rooms appropriated to the vagrants and persons to be passed to their different parishes are not glazed, the windows being open, with iron bars only; nor have they any thing to protect them from the weather, or, in cases of sickness, for their comfort, but what the humanity of the keeper provides for them. And it frequently occurs, particularly after an expedition has sailed, that a number of soldiers' wives and children are there placed till they can properly be removed, and some of them in a very ill state of health, from fatigue or otherwise; and it has happened, that some of them have been so far advanced in pregnancy as to be confined and delivered in that Compter. No divine service has been performed there for five years."

It may be here necessary to remark, that some of the prominent grievances noticed in this Report are mentioned by Howard in 1789.¹

The Court of Common Council having heard the Report read, came, among others, to the following resolutions:—

"That Newgate is inadequate to the purposes required; particularly for the female prisoners.

"That it would be expedient to separate prisoners committed for trial from convicted felons.

"That the confinement of lunatics in Newgate, and allowing them to mix with other prisoners, is repugnant to every principle of humanity, and ought to be discontinued.

"That the evil effects arising from the crowded state of the gaol should be obviated by erecting a house of correction for the reception of the minor class of offenders.

"That no gratuities should be taken from the prisoners by the keepers; and that fees of every kind should be abolished.

"That a new prison ought to be constructed in lieu of the Poultry Compter; and that the debtors ought to be moved from Newgate to some other place of confinement."

In furtherance of these plans of reform, the Court of Aldermen named a committee of their own members, accompanied by Mr. Newman, and Mr. G. Dance, the clerk of the city works, to make drafts of such subdivision of chambers as may be best suited to Newgate as a criminal prison: to the new prison in Whitecross Street for debtors, and the Giltspur Street as a house of correction; to visit the gaol of Gloucester, and other such prisons as may seem convenient; and to draw out such new system of allowances, and such new code of laws, as shall appear to them to be satisfactory, and adapted to the three prisons in particular,

¹ Vol. ii. p. 126.

and also to the Borough gaol; and report generally upon the same.

The Committee accordingly set out on their tour, and on the 19th of September, 1815, submitted their Report to the Court of Aldermen. It is undoubtedly well drawn up, and contains many very correct views of what ought to be the rules and regulations of a prison.¹ *These, when put into practice, will no doubt prove highly advantageous.* It must, however, be allowed, that the magistrates of the city of London are in no great hurry to carry into execution even their own speculations; and I beg leave to refer you to the state of Newgate in May last, and even its condition at present, as proofs of the reasonableness of this opinion.

The Committee, however, feel and show some soreness at the observations of two committees of the House of Commons, who have inquired into the mismanagement of the city prisons. It would surely have been better, instead of cavilling at the censures of those whose duty it was to criticise what they found amiss (*and who exercised that authority with remarkable mildness*), if the court, or committee, had endeavoured to redeem, by present activity, former remissness; and while they were so sensitive at the least reproach upon their own conduct, it would not have misbecome them to have recollected what must have been the sufferings endured by thousands, who, from the year 1783, when Howard first published his remarks, have been confined in their prisons.

I do not intend to speak of them here as schools of vice, as seminaries of felony and fraud, but as places of confinement, where the worst species of bodily torture was daily practised; where a certain number of men, women, and children, were daily deprived of the benefit of air, exercise, sufficient food, clothing, bedding, and rest. Oh! that these gentlemen would think, but for one moment, of the diseases, both moral and physical, that have been generated in this prison; and when they have reckoned up (if they can) the amount, it may teach them to censure less the disinterested philanthropy of those, who have no interests to serve by their exertions, who have no money to save by their neglect; but who, looking upon the wretched as fit objects for their charity, and on the guilty as proper subjects for reformation, are endeavouring, in the narrow limit of human existence, to render their political lives beneficial to their fellow creatures.

I do not mean to complain of any comments on the acts of any members of the House of Commons, or on the Reports of Parliament: they and their works are before the public. They are the

¹ The Report is, however, by no means correct, and a favorable coloring is given where the Committee were bound to state facts as they found them.

servants of the people, and their proceedings are, or at least ought to be, for the benefit of those who are their masters. But I complain of sneers at disinterested humanity, of the various taunts which are to be found in the Report, of the impression sought to be conveyed, that the Committees wished to turn the prisons into palaces; or, in the more open and homely language of Sir William Curtis, to furnish them with Turkey carpets. I complain of these misrepresentations, because it was the luxury of vice, and the indulgencies which guilty opulence was allowed to purchase; because it was the pain of famine, the torture arising from the want of air and rest, and above all the corruption of youth, the contagion of bad morals, the punishment of accusation with the penalties which no one in this country would presume to inflict by sentence on convicted crime. All these proofs of mismanagement were the objects of our censure, and their correction the end of our labors.

The sufferings or the comforts of those creditors, who have been wronged in London by fraudulent debtors, I can have no means of ascertaining: that there was fraud as well as misfortune, in many of the numerous cases of insolvency, no man can doubt; but I protest against the doctrine of stigmatising bankruptcy as a crime. I shall ever contend, that the stowing debtors of any description, whether male or female, like soldiers in a barrack, or *galley slaves* in their *bain*, is a bad system—mercantilely as well as morally bad.

To meet with this practice in an old prison, does not surprise any one, who recollects the barbarous indifference, or more properly persecution, with which the debtor was treated by the creditor, when the *squalor carceris* was a mode of forcing the liquidation of debts: but when, at the expense of one hundred thousand pounds, a new place of confinement is constructed, to fall into such an error, is, to say the least of it, a great negligence.

To do the managers of your affairs justice, they seem to have solved the problem of how they could lay out the most money with the least convenience; and I will venture to say, that there has been no public edifice erected in Europe, during the last fifty years, so costly, and at the same time so unfit for the purpose to which it is appropriated, as the new prison in Whitecross Street.

The Committee conclude the Report with an opinion, which, connecting it with their practice, is, to my mind, very alarming. Why they should be terrified, lest they should become models of good management, I am at a loss to conjecture. They observe, "that it would be doing violence to our understanding and experience, if we affected to concur generally and specifically with all the observations contained in their" (House of Commons) "Re-

port (for the unanswerable reasons we have already given) as to the impracticability of our *approach* even to the complete accommodation afforded by several county gaols to the classification, health, and employment of their prisoners; much less, in our confined space, of furnishing, according to their concluding remark, to the counties and cities of the empire the most beneficial example.¹

The question is here then raised. What are these unanswerable reasons, why the prisons of London should not furnish, by their good management, an example to the rest of the kingdom? To be sure, if, in the discussion of the propriety, policy, or practicability of a measure, one party is to take for granted, that there is some insurmountable obstacle to the attainment of the object in dispute, the question is at an end, and there is no occasion to debate farther. The first point, then, is to ascertain the nature and amount of this impediment. Now I will venture to assert, that if I was to give a man a thousand guesses, he would never discover what this all-powerful obstacle is. It is then neither more nor less than the poverty of the city of London: their inability, from want of funds, to construct a prison large enough to contain the criminals whom they are called upon to confine. It is no answer to those who object to the overcrowding of these prisons to say, that the confined space renders it necessary; for the reply is, Why is there that want of room? This argument of want of room, to make those arrangements which humanity and sound policy require, is not new: it has been advanced at all times when abuses were to be continued, when an indifference to the happiness and improvement of mankind was to be justified to the world, if not to our own consciences, and a bad system practically maintained, though upon acknowledged principles it was indefensible.

In the hospitals at Paris, prior to the Revolution, want of room was also pleaded as a reason why four and sometimes six persons were placed together in the same bed: and so slow was the progress of reform, that the same evils complained of in 1657 existed in 1767. In these hospitals, in 1784, two thousand six hundred sick patients filled the space of nine hundred and seventy toises, or five thousand eight hundred and twenty feet, one person being placed above the other; so that those who lay on the uppermost shelf were visited by the means of a ladder. Thirteen inches were allowed for each patient, five inches less than the space allotted for the females in Newgate. I entertain no doubt, that many good and praise-worthy persons defended these arrangements; such is the bias always felt to support what already exists: but the reformers

¹ Vide Report from the Court of Aldermen.

prevailed at last, and the old system was abandoned. Though the advice may be unpalatable to the vanity of Englishmen, I can assure them, that while we have something to learn from our neighbours in the management of prisons, there is also valuable instruction to be gained by studying the economy of their hospitals.

But to return to this plea of poverty: unless I had heard it advanced by persons who really were at large without a keeper, I should not have believed, that men of sound minds could have urged it. What! the city of London too poor to build a prison! the metropolis of this great empire, the wealth of which is proverbial; which contains all that widely circulated mercantile opulence, ready to burst its own warehouses with its richly varied exuberance! That this emporium of wealth, commerce, and luxury, should pretend to be too poor to construct a fit prison for its own criminals, cannot surely be brought forward as a serious argument. No, gentlemen, no; all this is idle mockery. The city of London is never too poor when a feast is to be given; or when millions are to be spent to further its own trade. Why then should poverty be pleaded when it is called on to perform its duties?

The Report farther states, that it would be necessary to cover ground to the amount of thirty acres, if a prison was to be constructed upon the model of those which they examined in various counties in the kingdom. To be sure, if there is to be the same waste of space, and the same clumsy arrangement, as is the peculiar character of all the prisons which the city of London has built, and particularly the new one in Whitecross-street, I hardly see a limit to the space, or an end to the expense. But I will take the liberty of suggesting, that there would be no difficulty in building an airy, light, commodious prison for one thousand persons, each with a separate cell or room, for a less sum than that ill-constructed edifice has cost.

The point, then, at issue between the public and your magistrates is this:—Shall they (I care not under what excuses of want of room or want of funds) so construct, regulate, and manage these prisons, as not only to inflict as much bodily pain and suffering as they can, while preserving life, upon the miserable victims who are confined within their walls, but also, whether they shall keep an organised school for the propagation of every species of crime, for vitiating youth, for corruption of manners, and for changing the first aberration from moral rectitude into confirmed habits of fraud, and robbery?

If there were even any serious obstacles to the destruction of the old system, the advantage of getting rid of it would amply compensate the public for any sacrifice they might make. But in truth there are none. The city of London is bound by its charter

to maintain the prisons of the county of Middlesex. If they then really can make out a case to the satisfaction of the public, by a fair exposure of their accounts, that they are unable so to do, there can be no doubt, that, on proper application to parliament, relief would be afforded them.

There are two ways of doing this. First, To raise the money by a rate on the inhabitants of the city. Secondly, To compel the inhabitants of Middlesex to pay a fair proportion of the cost.

I have certainly no wish to call on the city of London to make any popular sacrifice; and I heartily concur with the indignation, which your late worthy chief magistrate expressed, when a proposition to that effect was indecently hinted by Lord Liverpool. But we are driven to no such sad dilemma: a new and fit prison might be constructed, without trenching on one of the rights of popular election; and the mere allusion to it, on the part of the prime minister, is a great insult to the livery of London. I contend, that the public have a right to call upon the magistrates of the city to maintain its prisons after the most approved reformatory system, &c.; that *something more than an approach* to the judicious management of the best gaols in the country is expected from them: and I must add, that disposition is alone wanted fully to effect these objects.

From the returns laid before Parliament, it appears that no less than six thousand four hundred and thirty-nine persons were committed to the prisons of the city of London in four years, from 1813 to 1816, inclusive. Of these, four thousand and thirteen were convicted, one thousand five hundred and forty-three acquitted, against seven hundred and forty-three no bill was found, and one hundred and twenty-seven were discharged by proclamation. It is then evident, that more than one-third of all the persons committed to these prisons were, in the eye of the law, innocent of the crimes laid to their charge. How many of these were really innocent, I can have no means of judging; but that the number of this class was great, I can have no doubt. I intreat you, then, seriously to think, how many of your innocent fellow-creatures have been condemned to associate with convicted guilt, to pass in torture and misery the period between their commitment and acquittal.

But setting aside all consideration of bodily suffering, loss of character, and all the calamities which fall upon the families of the poor, the inevitable consequence of imprisonment, I beg you to calculate how many of these hundreds of persons were there for the first time of their lives; and how grievous were the effects of their promiscuous assemblage; of the loss of self-respect, and the exposure of the young and unwary to the arts of the fraudulent, and the taunts and mockeries of the idle, the profane, and the desperate. "In a prison," writes Dr. Johnson, "the check of the public eye

is removed, and the power of the law is spent. There are few fears; there are no blushes. Every one fortifies himself against his remaining sensibility, endeavoring to practise upon others the arts that are practised on himself, and to gain the applause of his worst associates by imitating their manners."

During the first three years of the period above referred to, forty girls and two hundred and eight boys, under fifteen years of age, were committed to Newgate; and from the 1st of January, 1816, to the same day, 1817, eighty-five girls, and four hundred and twenty-nine boys, under twenty years of age, were confined in that prison; and thus were more than five hundred young persons exposed last year to the contamination of the prison system of the metropolis, and by much the greater proportion of them were associated with old offenders, and hardened delinquents. I contend, that the public have a right to demand from the magistrates so to construct their prisons, that of the children, the innocent, at least, should not be made criminal by example and education. Even if safe detention and not reformation be all that the city system aims at, and if in 1817 those, who are the organs of law and justice in the metropolis, cannot contemplate an approach even to correcting by discipline the morals and manners of the vicious and profligate, the people of England are entitled to expect, that even the guilty shall not be corrupted and made worse by means that ought to be used for the purposes of making them better.

The main question, then, to be considered is, what is really the present reformed state of Newgate?

The Classification of Prisoners.

There are several yards and wards in Newgate, in which the male prisoners are classed after the following manner: First, Those committed for trial for felonies. Second, Convicts. Third, Misdemeanours. Fourth, Fines. Fifth, Those under sentence of death. Sixth, Boys under the age of fifteen, for all offences.

You will observe, therefore, that the classification is of the most general kind. The youth accused of the smallest felony is confined with the most notorious criminal; with those charged with murder, piracy, housebreaking, and highway robbery. The application, then, of the principle of classification is scarcely worth notice, and the objections to the mixing of all sorts of offenders together, the youthful with the adult criminal, he who has committed his first offence, with him whose life has been passed in the perpetration of crimes, from simple fraud to aggravated felonies, remain as strong as before, and the evil is very little lessened by the limited classification here practised; so that, when you are told that the

system of classification is adopted at Newgate, you are told that which is only partially true. The tried and untried are not now mixed together, except in one ward, and that only for the present. The fines, and the accused of misdemeanours, and the felon convicts, are not now shut up in the same yard; but persons, whose crimes are of a different character and complexion, all the steps and stages of guilt, are associated together. The school of crimes is still kept up; and though the teachers may have their range of instruction narrowed, yet these preceptors are active and diligent as far as their field of enterprise extends, though not so much mischief is done, or so much youth and comparative innocence debauched and ruined; and those who visit Newgate oftenest, and know what goes on there best, can furnish ample evidence of the extent and consequences of this system. The reform is good the little way it goes. Why then stop short, and not approach somewhat nearer to carrying into practice the statutes of the 19th, 24th, and 31st Geo. III? The letter and spirit of these acts direct a proper classification of prisoners, with a view of preventing the hardened from corrupting the youthful criminal. Let us then examine, if either the letter or the spirit is substantially carried into effect in Newgate. I saw there, in November last, several boys mixed with men convicts, in their yard. I interceded for one, a child in appearance and manner, and he was removed into the school, where he ought to have been placed long before, as his offence, though heavy, was his first, and his artless and simple behaviour bespoke a want of familiarity with the ways of guilt. I saw him taken out of the circle of his associates, and I considered him as a fit object for the Penitentiary, at Milbank: but a few days after he was removed to the Hulks, there to be reformed, and to learn those lessons of religion and morals, that regard for the property of others, and that respect for the laws of his country, which are taught in those acknowledged receptacles of purity and virtue.

I visited Newgate again on the 20th of December. It contained then but few prisoners, the sessions having lately terminated. There were only thirty-nine fines, or persons of all ages and characters, under sentence of imprisonment for a limited period. Among them were Brock, Pelham, and Power; a lad sentenced to a few months' imprisonment for a fraud; and a man imprisoned for five years for an attempt to commit an abominable crime: four of the fines were under twenty years of age. No doubt the morals of these young persons must be much benefited by the company in which they were placed.

There were one hundred and twenty-three convicts under sentence for life, fourteen, and seven years, promiscuously together, in different wards. Of these, forty-seven were under twenty years of

age, and many of them of the early ages of fifteen and sixteen. Among the untried for felonies, fourteen out of fifty-seven were under twenty years of age. Many of these wretched beings were there for their first offences; and the Saturday preceding my visit, an account being taken of the whole number then under confinement, out of two hundred and three, tried and untried, forty-seven had been in Newgate before.

Of the young convicts, by far the greater part will be sent to the Hulks to join company with the poor boy who was hurried there last November; and from the manner in which they have been classed, the associates they have met, the lessons of the academy in which they have studied, and the arts therein taught, when their time of punishment is expired, they will, I make no doubt, be found again in Newgate, to teach other youths the lessons in which they have been themselves instructed, and to keep unbroken a single link in that chain of offences, which, beginning by a simple fraud, ripens into robbery and murder. For my own part, with all the horror that I feel at the system of capital punishments, which prevails in this country, and though the very contemplation of the possibility of the act makes me shudder, yet, when I think of the wretched forlorn state of these miserable beings, many without a friend or home, but their gaoler and their prison, the pains that are taken to vitiate and the indifference to reform, I am at times inclined to think the mercy of the Crown, that saves their lives, to be the greatest cruelty. I am sure, to the victims themselves, death is better than the life to which they are reserved. This, however, is most true, that to those who think that, when the offenders are lodged in prison, when the forms of the law are spent, all care of them should cease, and who practically consider all reformation hopeless, there is but one more step to take; and that is, to recur again to the ancient practice, to exhibit again rows of thirty and forty offenders on the scaffold, to place in a line ten or twenty children to be executed in the face of day, in the nineteenth century of the Christian era: the spectacle to be performed in the capital of the freest country in Europe, amid a people whose vain boast it is, that they are more humane, more tender-hearted, more sparing of human life than their neighbours. Horrible as this exhibition would be, *disgraceful* to us as Christians and civilized beings, if the interest of the wretches, whom we save to plunge them deeper in perdition, were consulted, it would be the most merciful plan. Nine-tenths of these commit offences from misery, from the seduction of others, from the neglect or want of parents. If, then, reformation of these miserable beings is not to be looked to, but their punishment alone is to be considered, experience has shown, that the milder punishment does not deter. The choice is

then narrowed, and we must recur again to the disgraceful severities of our ancestors.

But I contend, that the reformatory system is alone that which ought to be pursued; and the first step to be taken in it is, in the earliest stage of guilt, so to separate and to class as to make the objects of legal detention, or criminal punishment, better for the moral discipline to which they have been subjected. It is for these reasons that I call upon you to admit of no delay, to hear of no excuse; but to insist upon your magistrates and representatives adopting some efficient plan to give to their prisons that reformatory character, which the well-being of society demands from their hands.

In respect to the women prisoners, a great and important change for the better in the mode of confining them has taken place. They are not now, the tried and untried, mixed together; those under sentence of death are placed by themselves: but even here the convicts and fines are not separated. Girls of the tenderest years are associated with the most profligate characters. On the 20th of December last, there were ninety-seven female prisoners in Newgate, seventeen only of whom were for trial. The greatest proportion of the tried were convicts; one of whom was only eleven years of age; and of the whole number eighteen were under twenty-one. The humane and excellent management of Mrs. Fry and the Society of Friends has placed this part of the prison in a state of comparative excellence. The disgusting scenes that formerly occurred there have ceased. But the system, even as it is, cannot be persevered in, and the benefits of this meagre and limited classification preserved, if more room be not given; for the numbers now are nearly equal to filling the space allotted to them, and one hundred and seventy women have been confined there at the same time. No praise of mine can add weight to the tribute of general applause which Mrs. Fry and her Committee of Friends have received from all who have witnessed their efforts.

Those who visit Newgate, must be satisfied, that much good has been done; not, indeed, by rules and regulations emanating from the Prison Committee of Aldermen, but by the exertions of individuals, who have devoted their time to the reformation of the vicious and the relief of the distressed. The necessity for their labor, and the praise bestowed on their benevolence, is not flattering to the regular legitimate managers of this prison. If the regulations were as they ought to be, and places of separate confinement provided for the different classes of offenders, according to the plans now universally approved of, Mrs. Fry would have found half her task performed. She might have stimulated the idle to industry, instructed the ignorant, reformed the profligate by precept and example, and consoled the unfortunate;

and she and her friends would not have to lament that their labors are rendered comparatively of little use from the absence of those means of classification, which are essential to the success of any plan of rational reform. The want of these means was strikingly illustrated, during my visit to Newgate on the 20th of December. I found two convicts among the untried female prisoners; and, upon inquiry why they were placed there, was told they were *too bad and abandoned to be kept with their companions*: so that the punishment inflicted upon these profligate and convicted felons was to place them, not by themselves, but with those whom the law considers as innocent. Thus those who were untried, were punished by being compelled to have, as associates, women, who were even outcasts from the society of convicted felons.

Perhaps, among these seventeen untried persons, who were forced to keep company with these two women, there might have been a girl circumstanced as one was in this part of the prison last year. She was crowded into a room with an assemblage of idle, drunken prostitutes and thieves; with a woman committed for, and I believe afterwards convicted of child murder. This poor girl was an unwilling instrument of a man, who seduced her into an attempt to utter a forged note. She pleaded guilty, and her life was saved; but she was sentenced to be transported. From the kindness of Mr. Capper, who is ever ready to relieve real distress, and to lessen the severities of our penal laws, operating on individual cases, she was placed in the Penitentiary at Milbank, where she has so conducted herself as to merit the praise of the managers of that excellent institution. While this young person was in Newgate (and she was but eighteen), her modest appearance and manner attracted the notice of all who visited the prison. Among others, an American gentleman, who was told there, that I had interested myself to preserve her from the ruin with which she was menaced, wrote to me to intreat that I would not relax my endeavours to save her from the *Hell upon Earth*, as he called this prison.

Think, then, I intreat you, what must have been the feelings of a modest girl, in such a situation; and then remember, that, while I write this, many may be in a similar condition. A single breach of the law, however trifling, may lead to detention in prison; though the person so confined may have, with this exception, every moral feeling, as pure as those of the best of us. And these miserable beings (miserable because they are prisoners, but more to be pitied because they are confined with all that is bad, profligate, and base) must be corrupted, almost past all redemption, by the want of that proper classification which I am contending for. What then is wanted here, is room for their separation; and till that is obtained, Mrs. Fry may do much to relieve present misery:

her charity may be like the benevolence of her heart, boundless: she may remedy magisterial neglect: she may relieve individual wretchedness: she may lessen all the evils attendant on this mode of confinement:—but the disease is past her cure. It is, however, in your hands: you can furnish a remedy; and that can alone be found in the construction of a prison, upon a plan embracing all those reformatory advantages, the usefulness of which is now no longer matter of dispute.

The Condemned Cells.

There are fifteen condemned cells in Newgate, each nine feet long by seven wide, furnished with one barrack bedstead; and in which, according to Mr. Newman, two persons *may* lie. These cells were originally constructed for the solitary confinement of those who were condemned to death, in the period between their sentence and its execution. From their size, it is evident that they were not designed to hold more than one person; and yet two are almost constantly confined there, and very often three. In the last session, before the Report was made, forty-three persons were shut up in these cells. On the 20th December last there were twenty-seven capital convicts in them, the product of the session which was just terminated; and in all probability an equal if not a greater number will be convicted in the present January. Thus, then, these cells will be filled with their ordinary complement of three persons in each. Of the twenty-seven convicts, fifteen were under twenty years of age; and two of them infants of the tender years of thirteen and nine, who were both capitally convicted of highway robbery on the person, and by the evidence of a child of six years of age.

It must be remarked here, first, that about one in ten or twelve of the persons capitally convicted is executed: and, secondly, that sometimes three, four, and even six months elapse before their fate is determined.¹

I shall say nothing of the nature of the laws that inflict the penalty of death on such a variety of offences, nor of the method adopted to get rid of their severity, which is the real cause of the delay between the sentence and its execution—the Recorder being employed in trying over again all the cases that have been deter-

¹ On the 31st March, 1814, Mr. Newman stated to a Committee of the House of Commons, that before the last Report one person had been in the cells since 1812. In February last there were above one hundred persons under sentence in Newgate, five of whom had received sentence in July, four in September, twenty-nine in October, twenty-nine in December, twenty-one in January, and twelve in the February sessions, which were not then closed.

mined by the Judges and Juries, seeking out reasons in good character, and in the complexion of the crime, in order to be enabled to recommend the remission of the punishment to the Prince Regent. This curious anomaly in the execution of our penal statutes, and this triumph of humane manners over ferocious laws, I shall abstain from commenting on; but I intreat you to pay attention to what passes in these cells in that interval between the sentence, and its remission, or its execution.

I conclude we are agreed upon the utility of solitary confinement as a moral regimen, thereby leading the sinner to repentance, and preparing him to meet, with religious hope, the death to which he is condemned; or, if the sentence of the law be not carried into effect, by leading to such communion with himself as shall fix in even a wavering mind, resolutions of future amendment. I conclude we agree in this view of the subject; for, if we do not, I cannot hope to carry you with me to the conclusion I seek to draw, and the observations I am about to make, will appear strange and fanatical to those who view, either with approbation or indifference, those unseemly exhibitions which daily occur in this part of the prison of Newgate.

As long as these cells were considered as instruments of moral discipline, that arrangement was wise, which closed their doors on the solitary prisoner from two in the afternoon to nine in the morning, leaving him only five hours for the enjoyment of air, exercise, and the society of his friends and companions; but where there is no solitary confinement, and no moral discipline, this mode of imprisonment is only so much bodily torture.

It is well observed by one of our greatest writers on these subjects, "that a man in solitary confinement feels not those emotions of friendship and enmity which society has created. He has no longer that variety of thoughts, which results from the conversation of his companions, and the view of external objects, or the pursuits of business or pleasure. By the deprivation of light, the number of impressions is considerably diminished; the mind of the prisoner is reduced to a state of vacancy, to an internal darkness; and, deprived of the support which his passions might afford, renders him sensible of his own weakness. In fact, this pain is not sufficiently acute to occupy the mind entirely, and to take from it the power of reflection: on the contrary, he feels more than ever the necessity of calling to his aid all the train of ideas which his situation presents to him; and the most natural is, that train of events by which, step by step, he has been led to the commission of the crime, for which he now undergoes the punishment—the crime, of which all the pleasures are past, and nothing left behind but its fatal effects. He recalls to himself now his days of early innocence and happiness, which assume a new interest when cou-

trasted with his present misery : he repents of his misconduct ; and, if he have a wife, or children, or parents, his affection for them is rekindled in his heart, with regrets for the sorrow he has brought on them. Another advantage of this situation is, that it is singularly favorable for the influence of religious appeals, in the entire absence of all pleasures, either external or internal. Religious thoughts assume a new authority. Struck with his misfortunes, and the events which led to the discovery of his crime, he feels that it is a Divine Providence that has led him by secret ways, and defeated all his precautions to save himself against detection. If it be God that punishes, God only can save. A man must be cast in another mould than the rest of his fellow-creatures to refuse, in such a moment as this, the aids and consolations of religion."

These trains of thought and action are the most important of the benefits to be obtained by the system of solitary confinement; and I do not believe, that, among the male prisoners at least, many examples can be brought, where, under that discipline, the stoutest heart has not been humbled, and the most ferocious spirit subdued. This, then, is the theory of some of the wisest men who have adorned the age and country in which they lived; and the names, if not the works of Montesquieu, Beccaria, and Bentham, must be familiar to every person of good education. The practice, too, wherever adopted, whether in England or elsewhere, in Flanders, or in America, has always been attended with the best results.

What, then, is the practice in Newgate? There is the infliction of much bodily torture, in crowding two and three wretches, loaded with heavy irons, into the small space of nine feet by seven, from five in the afternoon to nine in the morning, and keeping them thus confined for months; but there is no mental punishment, there is no moral reform. In these dreary hours (and I speak from undoubted information) nine-tenths of the prisoners pass their time in discussing their chances of pardon, in projects for the future; not plans of amendment, but schemes for fresh depredation. There is no time for reflection: there is little sorrow, no repentance: the hardened encourage the timid, and all are deprived of that secret communion with their own hearts, which can exist only in a state of solitude. When indeed the fatal warrant comes down, in proportion to former confidence is present despair. The few feverish days and nights soon fleet away; and the poor wretch, bewildered more than penitent, is led to the scaffold, and is executed in the sight of thousands—pitied by all, an example to none.

But even when the day is fixed for this execution, there is no separation of those who are to suffer death from those whose fate is

undetermined: The unhappy lad Vartie, who was lately executed, complained heavily of the company in which he was associated; and justly considered the enormity of this treatment, as one of the greatest of his afflictions, and as an aggravation of his cruel fate. There are at present fifteen boys in the condemned cells under twenty years of age; two of them infants of thirteen and nine years old. The late keeper of Newgate (Mr. Newman), after the establishment of the school, was accustomed to place in it children, or young persons of a better description than ordinary felons, who were sentenced to death. As these persons were never executed, the separation of them from their companions was a wise and rational measure; and I can speak from my own knowledge of the fact, that several of these wretched beings have, by these means, under Providence, been saved from final ruin. That arrangement is however at an end; for your Prison Committee of Magistrates lately thought fit to summon before them the Ordinary, Mr. Cotton; and, after censuring him for having presumed to interfere in any part of the prison management, came to a resolution to place all the boys (*infants* as well as *children*), who were convicted, *ironed*, in the cells with the most hardened and guilty malefactors, there to remain, unless removed by the special order of the Prison Committee. Thus neither the Sheriffs, nor the Ordinary, nor the Keeper, have in this respect any authority in the prison. As might have been supposed, the object of this resolution was less to re-assume an authority which others had usurped, and to do the same thing, though by a different machinery, than to prevent the thing being done at all. Accordingly, the first result of this inhuman and irrational order has been the placing of two children, infants in mind as well as body, *ironed*, in the same cell with another man. The good sense and humanity of Mr. Brown, the keeper, have instructed him to place them with a well-conducted and orderly convict; but they are still exposed to the conversation of all around them during the day; and if the cells, as is often the case, had been filled with persons of the most depraved habits and character, with these the children must have passed sixteen hours out of the twenty-four.

I abstain from all comment on this transaction; but I intreat some of you to visit Newgate: see with your own eyes these miseries, and then rest, if you can, one hour without endeavouring to force the recollection of this mischievous mandate.

Of all the persons who are now in the cells, few, if any, will be executed; but, by the mode in which they are confined, not one of the good effects which their melancholy situation might have led to will be obtained. The hardened criminal will confirm in his impenitence those who, under a better regimen, might have been

reclaimed ; and by far the greater part of these men, boys, and children, will quit the society in which your magistrates have compelled them to associate, with the loss of all that was good (be it little or much) which belonged to their character when they entered the fatal walls of this prison ; with all sense of shame obliterated ; and instructed alone in the various means by which their companions have forfeited their lives to the laws of their country. Remember, I pray you, that " though in the world there is a mixture of good and bad, in a prison the society is composed of individuals more or less corrupted : it is even to the most corrupted a place of the greatest danger.—What must it be, then, for that class of prisoners who are there for their first offence ? They have yielded to the temptations of indigence : they have been drawn in by bad example : they are of that age when the heart is flexible, and not yet hardened to crime : a punishment well administered will be salutary. If instead of being reformed they become more vicious, if from small frauds they go on to robbery and murder, it is the education of the prison that you must blame."¹

The School.

On the appointment of Mr. Cotton as Ordinary of Newgate, one of his first acts was the establishment of this School. All, however, was not even here done, which was requisite, to separate the young from the old offender. The boys were taken from the society of the men, and at least some hours in the day were occupied in reading and writing, and in receiving moral and religious instruction ; it is evident, therefore, though they might not become much better, that the confinement in prison did not make them worse. At first they were placed in a very confined room, from whence they were removed into larger apartments, having the use of a yard to play about in, and enjoy the air. At present this is taken from them : they are again shut up in close rooms, being permitted only the use of a yard for a short time in the day. When I visited them, on the 20th of December, they had all the appearance of bad health. The whole arrangement was manifestly deteriorated ; and it is evident to all, who take an interest in the institution, that it is no favorite, and is gradually dying away ; soon, I make no doubt, to cease altogether. The boys were dirty, ragged, and wretched, and the rooms close and offensive. A small increase of numbers, in their present situation would probably produce among them a fever.

¹ *Théorie des Peines et des Récompenses*, p. 137.

Food.

When the Committee of the House of Commons examined the condition of Newgate in 1814, they reported, that the food was insufficient. Accordingly the Aldermen of the City felt themselves obliged to augment the allowance, and the following arrangement took place: fourteen ounces of bread to be delivered daily to each prisoner, and two pounds of meat, without bone, weekly.

The Committee appointed to visit the different Prisons in the kingdom proposed, that one pound and a half of bread be given daily, one pint of good gruel every morning for breakfast, and the meat withheld, except half a pound to be delivered every Sunday to those who conduct themselves well: but as yet this recommendation has not been adopted. In this recommendation I most cordially concur, with the exception of withholding the meat. At present the allowance of food is not sufficient; and no one can visit Newgate, and see the appearance of a prisoner, when first brought in there, in good health, and contrast it with his looks after a few months' confinement, and not be convinced, that want of sufficient food is the cause of that change. When the prisoners possess money to purchase, or friends to supply them with additional food, they still continue to preserve a healthy appearance: it is only the poor and the friendless who suffer from the scantiness of the allowance.

Mr. Howard remarks, that prisoners require a greater degree of food to preserve health than persons at large. Their minds being depressed so, they need more nourishment than those who are at liberty. I have no doubt of the correctness of this opinion; and any one, who takes the trouble of making the inquiry, will learn, that the artisan, the manufacturer, and the husbandman, are so reduced by scanty food, as well as by the loss of the habit of labor, as not to be able to do half the work, when discharged from prison, which they were able to perform when first committed to it. Besides, this deficiency of proper nutriment leads to diseases, such as declines, &c. &c. I am no friend to luxury in a prison; but the torture of famine and disease is not in the sentence of the law, which inflicts imprisonment: least of all is it warrantable previous to conviction, when safe detention is all that is contemplated. One pound and a half of the best wheaten bread daily, together with the two pounds of meat weekly, is the least that a prisoner requires, of the ages of fifteen to thirty; and I have no doubt, that the allowance of food in Newgate is not equal to the sustentation of the human frame.

Bedding and Clothing.

The visiting Committee of the City of London recommend, in their report, that iron bedsteads should be provided, and bedding

furnished; and that, for the future, all traffic in the hiring of beds should be abolished. *This recommendation has not been followed: nothing has been done; and the practice objected to remains as before: nor is there any appearance of there being any plan in agitation to carry into effect this wholesome advice.*

The male prisoners in Newgate, who cannot afford to pay for the hire of a bed, sleep on the bare boards, in the same room in which they have passed the day, the City furnishing only two rugs for each person. On the 20th of November, I found thirty convicts in one room in the middle yard, eleven of them being under twenty years of age, and one only sixteen. The room is calculated to hold twenty-five; though, when the prison is full, fifty have been stowed in it. There were then two wards entirely unoccupied; and I can imagine no other reason for thus crowding thirty persons in one room, than that of economy. But shall the saving of a sack of coals be set against the convenience, not to say the health, of the prisoners?

One might have thought, that the experience of the year, when above three hundred persons have been attacked by fever in the prison, owing to its crowded state, would have secured the wretched prisoners from being penned in a room, like sheep in Smithfield; but the visiting managers of your Prison think otherwise; and thus these convicts will remain, till they are removed either to the Hospital or to the Hulks. They complained heavily of what they suffered in the night from heat, closeness, and offensive smells. Besides, as the prisoners, in this mode of confining them at night, are for the greater part unable to take off their clothes, and are thus compelled to wear them unchanged, perhaps for months, the want of personal cleanliness, the necessary result of such neglect, must be very injurious to health. Those who can afford to pay for their beds, which consist of a mattress spread on the floor, are in constant contact with those who, from poverty, are compelled to sleep as above described.

Mr. Howard, and all who have written on the economy of Prisons, insist on the necessity, for the due preservation of health, of the prisoners undressing themselves at night. In all of the well-managed county prisons, a bed and bedstead, blankets, and in some places sheets, are furnished. Is it, I ask then, creditable to the City of London, that the same system should not be adopted in Newgate? I abstain from all remarks on the moral and physical evils engendered by this mode of imprisonment: I leave them to your imagination. They are too revolting to be even stated. But if they cannot be thought on without disgust and pain, what must *they suffer who endure them?*

The poorer prisoners in Newgate are often in a most wretched condition: they are sometimes ragged, without shirts, or shoes, or

stockings. I have never been there without seeing many, in this respect, in the most forlorn condition, and without hearing complaints, *from all quarters*, upon this subject. There is a fund, called the Sheriffs Fund, appropriated partly for the purpose of clothing the naked prisoners. This fund is made up by the subscription of private individuals, who, in this instance, as in many others, step forward to remedy the neglect of the regular managers of this prison. It originated during the shrievalty of Sir Richard Phillips, and has continued ever since. When I visited Newgate on the 20th of this month, the poverty, dirt, nakedness, and misery of many of the prisoners were most striking. There was not a ward, of the tried, or untried, in which petitions were not presented to me for a supply of clothes. One lad, who had hardly any thing to cover him, and who was without a shirt, stated to me, that he had been for months in that condition, his only shirt having been worn out since his commitment; he was besides without shoes or stockings. Another young man complained, that he was afflicted with a bad rupture; and that the surgeon would not supply him with a truss without a special order from the Sheriffs, which had been repeatedly applied for without effect. The boys in the school were ragged, dirty, and many without shoes and stockings.

The City Committee recommend the washing and cleaning of the prisoners, and the providing of a prison clothing for those whose dress is in a foul and dirty condition. This advice is good; and again it is a matter of regret, that it has been quite thrown away. The truth is, the whole question of clothing the prisoners is one that requires everywhere to be reconsidered. A practice prevails in some counties, of clothing all persons, who are committed to gaol, in a prison dress; but this is, to my mind, most objectionable. It is, in fact, a species of punishment, and ought to be inflicted only on the guilty and convicted, and not on the accused: and I can hardly conceive any thing more wounding to the best feelings of the human heart, than to have superadded to the calamity of accusation and imprisonment, that of being compelled to put on the garb of a convict, and to be branded like a felon. Some few years back, a clergyman was accused of setting his house on fire, and on his commitment to gaol (I think it was at Horsham) it was proposed to clothe him with the prison dress. He resisted, and actually kept his bed for several days, till he obtained the sanction of the magistrates to wear his own clothes.¹ I cannot

¹ To this case may be added another: it is that of a man of good connections and considerable property, who became bankrupt, misconducted himself before the Commissioners, and was by them committed to gaol; where, on being received, his head was shaved, and a prison dress put upon him. At the next meeting of the Commissioners he was discharged. Of course common sense should not be compelled to wear a prison dress. Persons

help thinking, that all accused persons should be permitted to wear their own clothes; unless they are so foul and dirty as to make the wearer of them a nuisance to his companions. In case of poverty, they should be supplied. The convicted should wear a prison dress, varying according to their guilt; and there should be one for those condemned to death, another for convicts, and a third for serious misdemeanours. The dress for the convicts ought to be furnished by the government; and a little regulation would render the arrangement easy. They are clothed when sent to the Hulks; what would be the objection to give them the same dress on their conviction, and before their removal?

The nakedness and dirt of many of the prisoners in Newgate is discreditable to the managers of the prison; and the miseries of confinement, to a man used to better society and cleaner habits, must be dreadfully aggravated by being kept in perpetual contact with the filth and squalid poverty of his more destitute companions.

I do not know how the Sheriffs' Fund is administered; nor have I any acquaintance with the present Sheriffs. The last Sheriffs, Messrs. Kirby and Brydges, I often found in Newgate, relieving the distressed, and remedying, as far as they had the power, the bad system of the prison. I beg also to be understood as imputing no blame to the new keeper, Mr. Brown, for all the bad that is visible in this place of sorrow and misery, but not of repentance: neither he nor the Sheriffs are masters of the prison. Mr. Brown is active and intelligent, and has done more to remedy the evils than has been performed since the period of Mr. Howard's visitation in 1787. What remains is to be performed by others. There is, however, as the preceding pages have shown, much to do; but the radical evil is the deficiency of room, a want of a proper locality, in which prisoners can be confined; and till that is obtained, the City magistrates may make long speeches and write large books; they may censure the Ordinary, or cripple the power of the Sheriffs; they may either form or not form rules and regulations: they may attend every day, or not go round the prison for a month; they may keep their eyes open or shut: Newgate will remain just what it is, an academy for the instruction of crime, a disgrace to the police of the metropolis and the nation.

Irons.

All the prisoners committed for felony, the tried and *untried*, are ironed. I have no doubt, that thus confining a prisoner before

convicted of political libel ought to be exempt. The treatment these offenders, as they are called, have met with, is highly discreditable to our magistracy. Mr. Gilbert Wakefield, Mr. Winterbotham, and many others, suffered the greatest indignities,

trial is contrary to law, and can only be justified for the purposes of safe custody; and when a prisoner can be detained in security without irons, the imposition of them is not only illegal, but a violation of cruelty. Formerly, when there was an indiscriminate admission of strangers, and when during the day there were often nearly as many visitors as prisoners within the walls, the chances of escape were great. The wearing of irons was then a mark of distinction, and thus rendered their chances less favorable. I never thought the argument a good one; but it was admitted, and the use of irons was general. However, at present the keeper has most wisely restricted this admission of visitors; and the City Committee even go so far as to object to the imposition of irons on persons committed for the smaller offences—why then continue them at all on the accused?

If they are necessary, it must be, surely, because Newgate is an unfit place to confine prisoners, because it is secure in no way. There is no inspection either by day or night, because the prisoners are kept together in large masses, and there are no means of preventing the hardy and desperate from attempting their escape. Thus, then, the abolition of the torture of irons can alone be gained by changing the form and structure of the prison.¹

In France, where personal liberty is not much respected by the government, no one is ironed until he is convicted. Why should a contrary practice prevail in England?

There are many other heads of inquiries, as connected with this prison, upon which I have some remarks to make. They are of minor detail.

The employment of prisoners in any way is strongly objected to by the City Committee; and yet they are so employed; they fill the places of wardsmen, and in some instances of gatesmen, &c. This system has been much abused, and requires to be nearly watched. I am unwilling to state all I know upon this subject, but shall content myself with requesting you to bear in mind a principle of prison government, perhaps one of the most essential; it is, that the less the prisoners are employed in the management of the affairs, or in controlling the actions of each other, the better will that prison be regulated: a contrary practice produces many evils; and the more you inquire into that of Newgate in this particular, the more you will be satisfied with the truth of the proposition.

¹ In several of the best County Prisons, such as Bury, Cambridge, and Lancaster, irons are not used, either upon the accused or convicted.—*Report of the Committee of the Court of Aldermen*. The keeper of Bury St. Edmund's told me, he had the power to use fetters, but he never found them necessary. In proportion as prisons are well constructed and managed, the use of fetters is dispensed with.

The City Committee also advised, that the shutters for the windows should be so constructed as to admit air and light, and at the same time prevent the prisoners from looking into any other yard of the prison. At present, no change has taken place; and while I was there last week, with the Ordinary, I was in the fine-yard, hearing the petition of some of the persons who were confined there. The windows of one, the convict apartment, that overlooked it, were crowded; and a conversation of mockery, oaths, and indecency ensued, that strongly illustrated the value of the Committee's recommendation. Out of these windows the felon convicts can converse at pleasure with those confined for misdemeanours.

The employment of prisoners in labor is of great importance. I learn that a mill, somewhat similar to that in Bedford gaol, is about to be constructed. Whatever provides occupation, if it be but for one hour in the day, is good. A confirmed thief dreads labor more than he does the gallows. But until the prison is enlarged, and arranged after another plan, it is not possible to provide work for the male prisoners in Newgate.

Before I conclude this letter, which the importance of the subject has drawn out to a greater length than originally was intended, I cannot refrain from expressing my astonishment at a report which the Grand Jury of Middlesex, who, in the discharge of their duty, inspected Newgate last session, have thought fit to make of the state of that prison. It is not for me to doubt, whether the Grand Jury inspected the prison at all; but the result of their visit satisfies me, that their praise must have been comparative only; as they surely did not mean to set forth to their fellow-citizens, *that their high admiration of the excellent arrangements which exist in Newgate* had reference to any thing but the deplorable and disgraceful condition in which it was only a few months ago. They could not have noticed the want of proper classification, nor the state of the condemned cells, nor the manner in which the prisoners sleep, nor the promiscuous assemblage of all kinds of misdemeanours in the fine-yards, nor the bad success of most of the recommendations of the City Committee, nor the want of separation of old and young offenders in all parts of the prison; for if they had noticed these deficiencies, I am sure twenty-four Englishmen could not have passed a vote of high admiration. The slight want of matting and covering is, in fact, a want of proper rugs and bedding; and the nudity, or the deficiency of shirts, shoes, and stockings, cannot but be taken as trifling exceptions to those excellent arrangements, which are the theme of this extraordinary panegyric.

The Report has surprised every one: and how twenty-four persons, who were not led about blindfolded, or who had ever seen

any other prison but their own Newgate, or who had one moment thought on the subject, or who had even read the quarto volume which the City Committee published, could have screwed up their consciences to such a pitch, is to me inconceivable. They, I trust, will forgive me, when I put in carelessness and ignorance as pleas in their favor; and having some experience of what visiting magistrates have permitted in the county of Middlesex and elsewhere, I can make allowances for the errors of a London Grand Jury.

I have, however, no doubt, that each individual of the Grand Jury, if taken round the prison of Newgate and shown what is daily and hourly exhibited there, would concur in all the remarks made in the preceding pages, and would regret that he had been induced to give even a momentary support to a system, which the commonest understanding must allow to be censurable. I solicit, then, from them, and from you, Gentlemen, a personal investigation of the abuses of the prison system of Newgate. I call upon you to see with your own eyes, and hear with your own ears. Compare my statement with the report of the Grand Jury. Whether you concur with me or not in the reasoning which I have adopted is a matter of slight importance, when compared with what I feel will be the result of a minute examination of the points at issue between us. Of this I am assured, that "if only half the misery which is felt by some shall be seen by others, it will fill them with horror;" and it rests with you, Gentlemen, to correct the evil, and to terminate the horrors.

I have the honor to be, Gentlemen,

With great respect,

Your obedient Servant,

H. GREY BENNET.

*Upper Grosvenor Street,
December 31, 1817.*

* * Since this pamphlet went to the press, a London Grand Jury have, in their observations on the state of Newgate, adopted not only the words, but recommended the measures proposed by the author: one part of his purpose is then obtained. He however has learnt, that at a late meeting of the Common Council, Mr. Alderman Wood and others ventured to accuse him of incorrectness and contradictions; he wishes they would point them out, and he will shortly give them an opportunity: he pleads however guilty to part of these charges; he has not stated half the evils produced by the intolerable negligence of the City Magistrates, nor has he given the whole amount of the daily tortures endured in these prisons.

It is also true that he inserted the name of Mr. Thorpe instead

of that of Mr. Bristow, who was one of the Sheriffs of last year : he apologizes for this mistake ; but he can say of both the excellent Sheriffs, that he found them often doing their duty and endeavouring to lessen the miseries and relieve the distresses of the wretched prisoners they had in charge.

One capital error the author also must acknowledge : it is to be found in page 311, where he says, that *the recommendation* " of the Visiting Committee of the City of London, that iron bedsteads be provided, bedding furnished, and the traffic in the hiring of beds abolished," *has not been followed.* He was led into this mis-statement because he did not believe it possible that a part of this recommendation should have been adopted and not the whole, or that precisely that part of it should be chosen which aggravated the miseries of the prisoners. The prisoners have now no beds at all, unless they possess them of their own ; for the City magistrates have furnished neither bedsteads nor bedding, and they have prohibited the letting out bedding altogether,

Feb. 5, 1818.

THREE LETTERS

ON THE

GAME LAWS.

BY

A COUNTRY GENTLEMAN,

A PROPRIETOR OF GAME.

THE THIRD LETTER IS ORIGINAL.

LONDON;

1818.

LETTER I.

&c. &c.

MY DEAR SIR,

THE intimate knowledge I possess of your sincere regard for the moral and political welfare of your country, and the sound and manly judgment you are capable of exercising upon the practical association of morals and politics in affairs of legislation, induce me to address to you the following letter.

It treats upon a subject to which, however important in itself, the habits of your life have never perhaps excited much attention in your mind; but I presume to think that you can scarcely fail to be interested by the extensive mischiefs which it involves;—mischiefs indeed of a magnitude little suspected by many of those who may be said to promote them.

I must nevertheless admit that, notwithstanding my conviction of the extent of your philanthropy, I certainly owe you some apology for wishing to make you a party in a discussion, from which it is no common ground of congratulation to have been hitherto entirely free;—for there are few subjects on which a contrariety of opinion is maintained with greater violence than on the *Game Laws*. Both parties argue with the feelings of injured individuals; and, as is usual in such cases, both have some ground of complaint. But public morals, and the peace and good order of the country, present still more serious grounds of objection to those laws, as they now stand on the statute book, than private interests, or the actual condition of society. In such a state of

things it is difficult to take an impartial view of the subject, and still more difficult to impress it upon the minds of others. The feelings, first, of those who suffer from the plunder of what may fairly be considered as their property ;—next, of those who are indignant at being precluded from amusements and enjoyments to which they think that their station in life entitles them ;—and, lastly, of such as look with horror at the long train of vice and immorality which can clearly be traced to its origin in the prohibitions of the Game Laws ;—all these feelings, and their combinations, introduce a degree of blind zeal and ill-humour into any discussion of the subject, which is singularly inimical to a beneficial practical result.

Notwithstanding these difficulties, recent circumstances induce me to make the attempt, in the humble hope of lending some assistance to the cause of good order and morality.

A distressing event, which has lately taken place in my own neighbourhood,^a has revived in my mind reflections which have frequently passed through it, on the tendencies of the Game Laws ; and I am more than ever convinced that an impartial review of their principle, objects, and effects, should scarcely fail to gain the assent of all parties to considerable alterations. More especially may this result be expected, if, as I think, it can be shown that the alterations proposed would tend to conciliate and to promote the interests of all parties concerned :—that they would, at one and the same time, increase the quantity of game for the sportsman ; extend the enjoyments connected with the possession of game to those whom the progress of society has raised into a station to be entitled to them ; and also immediately check, and ultimately annihilate, the moral and political evils resulting from the present prohibitions. I do not, however, wish to disguise my opinion, that it is the extent of these last which imperatively calls for the interference of the legislature, and of all persons who have the least regard for the welfare of their country. The extent and progress of the evil cannot be conceived by those who are not conversant with the lower ranks in the country villages. From extensive observation and inquiry, I believe in my conscience, that

^a I allude to the recent homicide of a desperate and notorious poacher, who left destitute upon the parish a wife and several children.

it is not too much to assert that three fourths of the crimes which bring so many poor men to the gallows have their first origin in the evil and irregular habits, necessarily introduced by the almost irresistible temptations held out, in consequence of the prohibitions of the game laws, to a nightly breach of their enactments.

This I can safely declare of my own knowledge,—that of the numerous country villages with which I am acquainted, *not one* exists in which the profligate and licentious characters may not trace the first and early corruption of their habits to this cause.* And, I think, it will soon be acknowledged that the wonder is, not that so many are corrupted, but that so many escape the temptations necessarily consequent upon a set of prohibitions, enacted for one state of society, but by the lapse of time, and change of circumstances, rendered perfectly inapplicable to its actual condition. Truly this is no object of petty legislation or insignificant detail. The moral habits of the universal population are deeply implicated in it. The safety of every description of rural property is as much concerned. The peace of society and the security of individuals are no less endangered. We scarcely take up a country newspaper without seeing a long list of proprietors associating for mutual assistance in prosecuting and punishing the depredations of their poorer neighbours. How comes it that it never occurs to these gentlemen, that this general depravation of habits must have some *moral* cause?—and that they would save themselves much trouble, and do the state good service, if they would associate to *prevent* the evil rather than to *punish* it, to weaken or remove the *cause* rather than vainly to oppose its necessary effect?

I believe it may truly be said that, in a free country, a population, corrupted by temptations necessarily involved in the enactments of the laws themselves, cannot be restrained from offending by any counteracting severity in those same laws; and it is not a little surprising that laws of this Jesuitical character should not be expunged by acclamation from the code of any free state.

The application of the Game Laws to the poor of England is conclusive upon this point. They constitute one of the few acts

* The experience of every impartial magistrate, of every judge of assize, will fortify this assertion:—many indeed have openly declared it.

of this nefarious description yet remaining unaltered on our statute book, and in the full vigour of their mischievous operation upon the temper and morals of the people.

I proceed to justify the severity of these remarks by a brief detail of the principle, objects, and effects of the Game Laws; and shall conclude with some attempt to point out an efficient remedy.

The *Principle* of the Game Laws is abstractedly a very fair one; namely, to secure to those, at whose expense the animals are reared and supported, the enjoyments accruing from the possession of them. To accomplish this end, the specific *objects* of the Laws seem to have been, 1st. To preserve to the Proprietors of Land the amusement of sporting:—2dly. To afford to the higher ranks of society, *to whom alone it is of any value*, the luxury of game at their tables. Now these are certainly reasonable objects. It is of the highest importance to the welfare of the people and to the good of the state, that landed gentlemen should reside upon their properties. It is therefore matter of sound policy to secure to them the enjoyments which will make such residence agreeable, as far as it can be done without injustice to others. And surely it can never be called unjust to preclude a stranger from destroying animals for his own profit, which have been reared and preserved at the expense of the landed proprietor. Again, the possession of game, as a luxury for the table, is absolutely of no value to persons of the lower sort: they annex no idea to a dead hare or partridge, but its value in money. Since therefore there is neither game enough in any country either to afford the amusement of sporting to the whole population, or to afford articles of food to all ranks of society, it seems perfectly fair that those, who by natural justice have no right to the article, and to whom it is in fact of little or no value, should be the party debarred from taking it. By the principles of equity it is evident that a stranger has no more right to the wild animals, bred and fed on my property, at my expense, than he has to the tame animals in my poultry yard. In either case he could only entitle himself to the possession of them by agreement or purchase.

The principle and objects then of the Game Laws being fair and reasonable, let us proceed to inquire how far their present

enactments are calculated to produce the effects intended; and what specific effects they do actually produce. As to the privilege of sporting, it may be said in general terms that a man must possess *of his own*, according to his tenure, from 100*l.* to 150*l.* a year in land in order to be qualified to carry a gun, or to use dogs for the purpose of killing game. Now according to the present system of society, this appears hard to the occupiers of large tracts of land, and to gentlemen of pecuniary fortunes, who are precluded from a privilege to which their rank and station entitle them, and the possession of which would of course be very agreeable to them. A rich merchant or tradesman, for example, as the law now stands, cannot by hiring a tract of land of any size become privileged to sport upon it; and the same may be said of an opulent farmer. This appears somewhat contrary to natural justice; for in either case the animals would be reared and sustained at the expense of the party prohibited from all usufruct in them. But as the occupier may nevertheless prevent any one else from coming on the ground in his occupation to kill game, it would appear in this case to be the property of no one; or rather, by a curious arrangement of legislative foresight, to be reserved for the sole use of an individual, who is debarred from touching a feather in its wing.

It is not however with a view to expose inconsistencies of this kind that I trouble you with this letter. Would that the laws involved no greater evil! I shall beg you however to bear the circumstance in mind, as the remedy I shall presently propose for the more serious absurdities will also wipe out all these lesser faults.

I shall therefore proceed to the main subject of my argument, involved in the second object of the Game Laws; which has in view—"To afford to the higher ranks of society the luxury of Game at their tables."

In the agricultural state of society, in which England was found when the Game Laws assumed their present shape, enactments prohibiting the sale of Game, and confining the privilege of taking it to the landed proprietors, might fairly enough be said to have fulfilled this second object. The gentry of England, those who exercised hospitality, and who kept a table, were almost exclusively

such proprietors, or their connexions;—so that there was no man who from his station in life felt it proper, or entertained a wish, to have game at his table, who was precluded from lawful means of placing it there.

But how stands the case since the changes introduced into society by commerce and manufactures, by the increase of great and opulent towns filled with merchants and other citizens, who are bound by their stations and occupations to exercise a liberal hospitality, and especially to support a well-appointed table, at which the appearance of game is but a reasonable indulgence? Why, it cannot be denied that three fourths of the legitimate consumers of game in the present day can only procure it by tempting others to a positive breach of the laws; for they can get it by no other means except by purchase from those who employ the country poacher in almost every rural village in the kingdom, or corrupt the land-owner's gamekeeper, on half the extensive properties of England, to take it for them. And what is, if possible, still more absurd, unjust, and insane than the other parts of this notable arrangement, while the poulterer, the poacher, and the gamekeeper, are exposed to heavy and ruinous penalties for selling this game, the ultimate purchaser or consumer, who is certainly the prime mover of the whole transaction, offends against no law whatsoever (at least against no human law) in placing the almost irresistible temptation in their way.

I say "*the almost irresistible temptation*," because no fair-minded man can disguise from himself that when three fourths of a community are debarred by law from any privilege to which they have an equitable claim, which it is also within their power to establish, even under the protection of those very prohibitory laws, that in such a case the laws will be overlooked, and a custom established in opposition to them too powerful to be resisted.

By parity of reasoning it is idle to assert that monied gentlemen, purchasers of game, ought not so to tempt poulterers and their agents to break the laws. Strictly true as the assertion is, they will be very apt to answer to the landholders, that their reproach is but miserable cant so long as the laws prohibit the agents of the monied interest from legal means of procuring that to which they themselves have an equitable claim, whenever a superfluity of it

exists in the market. Experience shows that the country supplies game enough for the tables of all those who can afford to buy it. Surely then, instead of asserting, against all experience and probability, that it should not be sold and purchased for their use in opposition to a most absurd and impracticable law, which almost enforces the very transfer it prohibits;—it should rather be said, that a law ought not to remain unaltered so little adapted to the change that has taken place in society, and which must for ever put in the way of the offender an almost irresistible temptation to commit the very offence of which it enacts the punishment.

If the object of a good and fair law is to *prevent* the commission of an offence, it is difficult to speak in terms of measured indignation concerning statutes, which at one and the same time both *promote* and *punish* the same crime. To be both, *unjust* and *ineffectual* is almost as great a reproach as any law can be stained with, but it is by no means the foulest to which the present Game Laws are obnoxious: for I think it quite indisputable that they are not only unjust as *they tempt to the commission of the offence* which they severely punish; not only ineffectual, as they have *no tendency to prevent the commission of the offence itself*; not only absurd as tending to *raise the price of game* in the market by the additions made to its cost on account of risk and penalties;—but that they are, above all, grossly wicked, as their chief positive consequence is *the general destruction of the morals of the rural population*, which like the “stout peasantry” itself,

“When once destroyed, can never be supplied.”

I trust it will scarcely be necessary to enlarge upon their destructive moral tendency further than briefly to detail effects which almost every country newspaper must have made familiar to my readers. Discontent against their superiors is one of the first effects produced by the Game Laws among the lower orders. Finding himself employed as the agent to transfer the property of one rich man to another, who is obnoxious to no punishment for receiving it, the poacher, when discovered and convicted, perceiving himself to be the only victim, is tempted to think that there is one law for the rich and another for the poor; an observation which a poacher made in my presence the other day. This feeling is carefully fostered by his employers, who studiously repre-

sent game to be every man's property, tyrannically preserved for the benefit of a few, and therefore that it is at least *fair* if not *meritorious* to attack it; whereas certainly no man can have the slightest equitable claim to it except by purchase, who has had no share in the expense of rearing and preserving it. Frequent breaches of the peace, murders, and homicides, are the natural result of the continual contests which are kept alive in a parish, between different portions of its armed population. The regular army, as it may be called, of Gamekeepers and their assistants are assailed in their nightly bivouac by the irregular tirailleurs of the bands of poachers; and the savage spirit and consequences of a war of posts are perpetuated in every village. All moral ideas of right and wrong are confounded; all love of the spirit of peace and humanity are banished from the breasts of the contending parties; and even the shedding of a neighbour's blood is considered matter of triumph among their several advocates.—As the poet states of a profligate alehouse-keeper,

“He praised the poacher, precious child of fate,
Who shot the keeper with his own spring gun.” CRABBE.

That this condition of things should ultimately prepare the minds of the lower classes for every crime to which the circumstances of their station can tempt them, is not surprising—nor that the calendar which records the most atrocious enormities should be filled with the names of those, who, upon first starting in the career of poaching, would have shrunk with horror from a contemplation of the crimes which they were afterwards the most forward to commit.

The habit of nightly plunder,

—“When steals the vagrant from his warm retreat,
To rove a prowler, and be deemed a cheat,”

by depriving the poor man of the conscious integrity of his conduct, deprives him of more than half his motives to abstain from crime. He acquires the feelings, the fears, the suspicions of the thief:—he considers himself as in a state of warfare with all the honest part of the community, and as justified by his new system of opinions and associations to attack them and their property. Falling his success in the wood, the field, and the forest, he resorts to

to the hen-roost or the sheep-fold. He becomes a felon confessed or convicted, and with feelings and habits corrupted and perverted by the process just described, what principle of restraint can any longer operate to prevent him from the most desperate undertakings—from the extremes of burglary and murder? The whole process is as simple and natural as it is in most cases inevitable; and the proprietor of game may tremble to think from what a little cloud, apparently no bigger than a man's hand, all this storm of vice, misery, and corruption, to the poor themselves, and to their innocent wives and children, has evolved.

Now I must entreat you my friend to remember that I am not here tracing an imaginary scene of horror,—or attempting to deduce consequences, without a thorough practical knowledge of the causes from which they spring. You well know that I am a Country Gentleman, a proprietor of Game, and that I have long and actively discharged the duties of a magistrate in an extensive country district. I must therefore be well acquainted with the principle, operations, and effects of the laws whose enactments I venture to call in question. And if I were open to any prejudices concerning them, those relations in which I stand towards society would rather tend to bias my mind in favor of, than in opposition to them; for, *prima facie*, they are certainly severe and exclusive enough to promise ample protection to my property and my amusement. No! my friend, it is not from pique, prejudice, or a morbid sensibility, but from a long and impartial consideration, and I trust a manly judgment, corrected by practical experience, that I venture to pronounce them *unjust, ineffectual*, and of a *moral tendency dreadfully destructive*: and that I call upon you and every friend of good order and morality to use the utmost influence afforded by your several stations in life to procure the necessary alterations.

Before I proceed to suggest what these alterations ought to be, I think it necessary to anticipate an objection which some persons may be inclined to make to the general nature of my reasoning upon the temptations arising out of the Game Laws. It may perhaps be said that municipal law in general is but the prohibition of actions or privileges, to which men individually have by nature an equitable claim, but which the good of society and the

interests of the government under which they live, render it necessary to restrain within certain limits. For example, this may particularly be asserted of all revenue laws; the object of which is to levy a duty, or, in other words, add an additional sum to the price of various articles to which the consumer has a natural and fair right upon payment only of the reasonable cost and profit to the manufacturer. The revenue laws may therefore be said to prohibit a man from the enjoyment of that to which he feels that he has an equitable claim, unless he will further contribute a sum, which has no connexion with the fair price of the article. They do therefore certainly place a temptation in his way to evade the payment of this additional sum, a temptation arising out of the very law itself, which punishes those who offend. I may be told then;—If your argument on the Game Laws be good for any thing, it applies equally to the revenue laws, and in fact to all laws curtailing the natural rights of mankind, and confining them within the limits prescribed by the good of society, or the general necessities and convenience of the commonwealth. It would be as fair to ascribe the combats between smugglers and revenue officers, with the murders arising therefrom, the breach of the laws of quarantine, the destruction of small fish in a public river, and other such offences against restrictive statutes, to the laws themselves, and not to the wickedness and perversity of individuals, as to use the argument on the Game-laws, in which you have indulged. For there will always be plenty of temptation arising out of the laws themselves, to seduce men to the breach of them.

I admit that there is some plausibility in this objection; but I think also that it will fall to the ground when we consider that these laws, restrictive as they are of the natural rights of mankind, are justifiable, and *only justifiable*, to the extent in which the good of society, and the wants of the state really render them *necessary*; and when it can be shown that the necessity can be met by no other means. Of this necessity the legislature is certainly the judge. But where its judgment is exercised in direct contradiction to the sound judgment of all reasonable men acquainted with the operation of the laws;—where it presumes a necessity and a mode of meeting it, which public opinion does not recognise, and where upon such supposed necessity notorious violations of justice,

morality, peace, and good order frequently ensue;—doubtless a broad distinction is introduced between the two cases: nay the whole foundation of the objection to my argument is done away. For if the justification of prohibitory laws is to be found in the experience of their usefulness and necessity to the state; where these cannot be fairly pleaded, the laws cannot be justified: it is not too much perhaps to say that, in fact, they will not be obeyed. Now if a government is to be supported, the revenue laws are absolutely *necessary*; and he who evades the payment of a tax, commits an act as immoral and as injurious to the state as one who steals from the treasury, and is a rogue who runs away from society, and leaves his companions to defray his share of the common expenses.

If pestilence be a calamity, the man who breaks the laws of quarantine (though no mischief may ensue) is a most serious offender, and sets an example that may endanger the future safety of his fellow-citizens. If public property should be preserved, the man who, by taking the young fry from a river, prevents it from coming to maturity for the public use, is an injurious offender against property. None but laws of absolute prohibition, enforced by penalties, would be sufficient in these cases to prevent the evil-disposed and inconsiderate from injuring society under pretence of their private convenience or advantage. It appears therefore that both the constitution and operation of the laws just alluded to are *necessary*, and therefore justifiable. But if there is the least foundation for the detail I have ventured to give of the operation and effects of the Game Laws, it is perfectly clear that neither the good of society, nor the supply of the wants of the state, are in the smallest degree advanced by them, but quite the contrary. It is not even pretended that they have any such object in view. It is in fact for the mere supposed convenience or pleasure of individuals, that society is extensively deranged in its most important departments, and the state damnified by the introduction of a mass of vice and immorality, not a little expensive in its ultimate results.

It may indeed be said, that it is the duty of every state to protect the property of individuals; and game being a species of property, prohibitory laws are necessary for its protection. This

leads me to the last branch of the discussion with which I presume to trouble you, where I hope to show that this necessity can be met by means very different from the present enactments, and entirely free from their unjust and demoralizing effects. This will complete the circle of proofs I stand pledged to establish; and I trust will convince you of the soundness and practical nature of the whole argument, and of the broad distinction between the Game Laws and other prohibitory enactments, as to their justice, expediency, and necessity.

It appears from the preceding parts of this letter, that the demand for Game in the market made by such of the higher ranks of society as can only procure it by purchase, is the main cause, both of the inefficiency and of the bad moral tendency of the Game Laws. The demand holds out a temptation too great to be resisted, and in fact will rise till the resistance be overcome; and at the same time it can only be supplied by a breach of the laws, and the attendant consequences, as I have just described them.

It should seem then that the evil would at once be stopped, if measures could be taken to ensure a *legitimate supply* for this demand in the market, especially if such supply could be brought there at so cheap a rate as to undersell the dishonest dealer. I have before stated that the risk and penalties now impose a much higher price upon game than the fair cost of rearing, preserving, and bringing it to market. Allow it then to be brought thither at the *fair cost*, and the poacher would be immediately undersold. Although the animals *alive* are *feræ naturæ*, and therefore no man's property in the eye of the law,—when *dead* they strictly belong to the possessor. The simple expedient then of legalizing the sale of them in open market would, I think, be sufficient to prevent the evil.

In favorable situations, game would be reared and preserved for the express purpose of regularly supplying the market in fair and open competition, which would so reduce its price that I see no reason why a partridge should be dearer than a rabbit, or a hare and pheasant than a duck or goose; this is about the proportion of price which the animals bear to each other in France, where game can be legally sold, and is regularly brought to market, and where, by the way, game is as plentiful as in any cultivated

country in Europe. The price so reduced would never be enough to compensate the risk and penalties of the unlawful poacher, who must therefore be driven out of the market. Doubtless the great poulterers of London and the commercial towns, who are the *principal instigators of poaching*, would cease to have any temptation to continue so; as they could fairly and lawfully procure game for their customers at a cheaper rate from the regular breeders. They would, as they now do for rabbits and wild fowl, contract with persons to rear and preserve them for the regular supply of their shops, which would be a much more commodious and satisfactory, and less hazardous way for them, than the irregular and dishonest and corrupting methods now pursued. It is not saying very much in favor of human nature to assert, that men in respectable stations of society had rather procure the *same ends* by honest than dishonest means. Thus would all the temptations to offend against the Game Laws arising from the change of society, together with the long chain of moral and political mischiefs, at once disappear.

But then, in order to secure a sufficient breed of game for the supply of the market, in fair and open competition, it will be necessary to authorize a certain number of persons, likely to breed game for sale, to take and dispose of it when reared at their expense. For this purpose I would suggest the propriety of permitting by law, occupiers of land to take and kill game, for sale or otherwise, on their *own occupations only*, unless (if tenants) they are specifically prohibited by agreement with their landlord, reserving the game and the power of taking it to himself (as is now frequently done in leases). This permission should not, of course, operate during the current leases, unless by agreement. With this precaution, nothing could be fairer than such an enactment; for it is certainly at the expense of the *occupier* that the game is raised and maintained: and unless he receive an equivalent for it, either by abatement of rent upon agreement, or by permission to take and dispose of it, he is certainly an injured man. Whereas it is perfectly just that the owner of the land should have the option either to increase his rent by leaving the disposal of his game to his tenant, or *vice versa*. Game would be held to be (as in fact it is) an *outgoing* from the land, like tithe and other burdens, and therefore to be considered

in a bargain, and land would either be let *game-free*, or a special reservation of it made by agreement.

Moreover, since the breed of game must always depend upon the occupier of the land, who may, and frequently does, destroy every head of it, or prevent its coming to maturity, unless it is considered, in his rent, the licence for which I am now contending, by affording an inducement to preserve the breed in particular spots, would evidently have a considerable effect in increasing the stock of game in other parts, and in the country at large. There would be introduced a general system of protection depending upon individual interest, instead of a general system of destruction. I have, therefore, very little doubt that the provision here recommended would, upon the whole, add facilities to the amusements of the sportsman, rather than subtract from them. A sportsman without land might also hire from the occupier of a large tract of land the privilege of shooting over it, which would answer to the latter as well as sending his game to the market. In short, he might in various ways get a fair return, to which he is well entitled for the expense and trouble incurred in rearing and preserving that particular species of stock upon his land.

You recollect the observations in an early part of this Letter, upon the unfair restraint under which occupiers of land and monied men laboured, in partaking of the sports of the field, although they had either incurred, or were willing to pay, a fair consideration for the privilege. The provision here recommended would also do away this inconvenience. For the pleasures attached to the possession of game being conveyed, together with every other rural amusement and enjoyment, with the possession of the land itself, a monied man, by hiring a tract of it, could at any time become possessed of the privilege of sporting on his own occupation, without having recourse to the disreputable practices to which he is now reduced. And surely it is perfectly fair, in the present state of society, that this should be within his reach. Referring again to France, where a system very similar to this is adopted, I myself can vouch, from ocular demonstration, that although all the respectable part of society has the privilege of sporting, game is exceedingly abundant and amply supplied both

to their own tables, and to the markets of all the towns in the kingdom.

It is, however, necessary to remark that game being thus reared and preserved at a considerable expense, as an article of merchandise, ample protection for it should be granted by the legislature. I think that the present Game Laws, by their protective enactments, would be nearly sufficient for the purpose. The privilege, once granted to the occupier or owner, to take game for sale on his own tenure, there would certainly be no hardship in restraining persons, who have no title whatever, either on the score of expense incurred, or on any other plea, from invading the property of others without their permission. It is, abstractedly speaking, just as reasonable that a peasant, or a stranger, should be permitted to break down my farm-yard gates, and carry away my turkeys, as that he should have license to tread down my hedges, to trespass over my fields, and carry off the game from my woods.

It is, moreover, a mere piece of feudal tyranny, and quite at variance with the modern spirit of the English law, that any distinction should be made between individuals of different classes with respect to their power of injuring the property of others, or of appropriating to themselves, without purchase or permission, objects of profit, to the production of which they have in no wise contributed.

I propose then the repeal of the present Game Laws; and, in lieu of them, enactments to the following effect:—

1. That Game be considered the property of the owner of the soil, and may be legally exposed to sale.
2. That proprietors be reasonably protected against the invasion of this as of all other property.
3. That such proprietors, and the persons to whom they may delegate their right, be qualified to take and kill game on land which they may lawfully enter for that purpose.

I trust, they will be candidly and impartially considered. I have, undoubtedly, exhibited a moral evil of great magnitude, which every good man must wish to see remedied; and of which the legislature of a free and enlightened country ought to be deeply ashamed. I have taken some pains to show that the pro-

posed remedies would go far to extenuate at least, if not entirely to remove the complaint. If the argument be at all supported by fair reasoning, all I presume to ask is, that it shall be met in the same manner, and that the just conclusion, whatever it be, may be honestly acted upon.

I think that the plan I have traced out is a considerable relaxation of the severity of the present laws, while at the same time it promises to promote a great increase in the breed of game, provides much more certainly for its preservation, by making it the interest of the occupier in general to protect it; and, without curtailing the amusements and advantages enjoyed by the sportsmen at present privileged, extends them to a wide circle of others, who, in the present state of society (it would be mere attachment to old and obsolete prejudice to deny it) are equally entitled by their station and property to enjoy them.

I state these facts, because I should be unwilling to have it supposed that, in my zeal to get rid of the moral evils arising from the Game Laws, I have overlooked the fair rights and interests of the parties principally concerned in the protection they are presumed to afford. My object has been precisely the reverse; namely, to extend and consolidate that protection upon sure and reasonable grounds. Not that I mean to insinuate that my Brethren, the country gentlemen of England, would for a moment hesitate at making any sacrifice with respect to their tastes and amusements, which might be found absolutely necessary to promote the moral and political welfare of their countrymen. But I am so deeply impressed with the importance of affording every practicable inducement to independent country gentlemen to reside upon their properties;—I am so fully convinced that the functions which they *there* perform constitute the main strength of this United Kingdom, and materially conduce to its comparative superiority over the other nations of Europe;—that I should hold it to be a point of extreme bad policy to recommend any thing that could reasonably afford them grounds of disgust. Seeing, however, that no such consequence can fairly result from the propositions I have ventured to recommend, and that their moral consequences would be unspeakably beneficial, I call upon the country gentlemen, as the natural guardians of

the welfare of their poorer neighbours, as men of candour and philanthropy ;—I call upon you, and every friend of good order and sound morals ;—I call upon the clergy, the yeomanry, the middle ranks of society ;—upon all, in short, who have received such an education as may enable them to distinguish right from wrong in the operation of laws upon society, to unite in petitioning the legislature for an alteration of the Game Laws, so as to render them consistent with the peace, morality, and good order of their neighbourhoods. Of course I am not vain enough to summon all these parties to agree with me in my specific recommendations. But if I have shown that alterations can be made without doing injustice to any party concerned, yet likely to stem the torrent of vice and corruption which now overflows every country village in the land, from this fertile source, I surely may, without presumption, summon them to unite in taking the subject into immediate consideration.

I am ever, my dear Sir,

Yours most faithfully,

A COUNTRY GENTLEMAN,

AND

PROPRIETOR OF GAME.

Jan. 1, 1816.

LETTER II.

&c. &c.

DEAR SIR,

ABOUT this time last year I addressed to you a Letter, in which it was my object to convince you, and those into whose hands it might fall, of the injustice, the impolicy, and the moral evil of the Game Laws, as they now stand on the Statute Book. I have great reason to be thankful that the argument held in that letter has been successful in convincing many of the thinking part of the community, that in the actual state of society, those laws are neither calculated effectually to protect game, nor to convey the enjoyments arising from it to those who are fairly entitled to them, except through the prevalence of habits highly injurious to the moral and political welfare of the labouring classes of society. In short, that *practically and substantially* they go the length of saying that an *extensive traffic, which no severity of enactment can abolish*, and which the fair and legal owner of the article sold would be ready to supply, if permitted, shall exclusively be carried on through the medium of the nightly marauder, his agents and employers, instead of the honest dealer; which is tantamount to a direct encouragement, by law, of thieving and profligacy.

Although much discussion has taken place upon the subject, both in and out of Parliament, not one of these positions has been successfully rebutted. The evil has been universally admitted, and the principal difference of opinion has arisen upon the choice of the remedy. Having in my former letter fully expose

the causes of the evil, the principles upon which they rest, and the lamentable effects which they produce; I shall not here indulge in any repetition, but am satisfied with referring to the argument as it there stands, unrefuted and admitted.

It was not to be supposed, that almost the last rattled remnant of feudal privilege would be permitted to disappear without a struggle. The moral equality of man; the injustice of resting the privileges and amusements of the higher classes upon the corruption of the lower, the turpitude of authorising one class of men with impunity to tempt another class of them to the commission of an act which renders them immediately obnoxious to the severity of the law, formed no part of the considerations upon which the feudal system was founded. It should not therefore excite our astonishment, that persons, whose habits and tempers partake of the rudeness of the baronial æra, should not feel greatly shocked; if, in these later times, the rich man's sport should generate the poor man's crime; or that the first may *legally* buy game of the last, and indict him *at law* the next hour for the transaction. If it were not that such a train of thought and habit necessarily blinds the eye and obscures the judgment, it would be impossible to account for the phenomenon, that men accounted to be of sane mind, should believe, that in these enlightened times, such a system can be supported by severity of enactment; or that, so believing, they should have the heart to recur to it. On the other hand, it was as little to be expected that, widely as a delicate sense of their moral responsibility has been diffused among the educated classes of this country, a case in which it is so intimately involved should have been clearly made out without exciting the zeal and stimulating the integrity of many worthy men into active exertion. We have reason to be thankful, that the great majority of those who have taken part in the discussion are of this description; and I trust that my time may not be misemployed in endeavouring to detail the progress which has been made during the last twelve months, and to state precisely how the question stands at the present moment, when it is again coming under the consideration of Parliament.

See, besides the House of Commons Report, the Quarterly Review, the Literary Panorama, the British Critic, and the British Review.

In the course of the last session a respectable county member, impressed with the glaring enormities, in many cases amounting to murder and homicide, which had arisen out of the Game Laws during the preceding winter; and finding, from conversation and inquiry among his friends and acquaintance, that a great majority of independent men, both in and out of Parliament, coincided with him in opinion, moved for a Committee "to take into consideration the Laws relating to Game, and to report their observations and opinion thereupon."

The evil complained of was of so crying and undeniable a nature, that not a dissentient voice was raised against the proposed inquiry. But the honorable and independent member for the borough of Confe Castle, is reported to have taken the opportunity of expressing his strong dissent from the principles and statements contained in my Letter, together with his conviction of the necessity of further laws for the purpose of distinguishing *honest men* from *rogues*: and, as I am informed, indulged in some contemptuous expressions concerning my poor production, for which I heartily forgive him. He followed up these opinions by a statement of his own plan for the remedy of the evil, which was nothing less than an increased severity of enactment upon the old principles; and you will perceive in the course of this Letter, both the mode in which this plan was carried into execution, and the very natural consequences which have resulted from it. It is sufficient here to state, that the plan consisted of a bill proposing to render suspected poachers liable to transportation *for the first offence, without the intervention of a jury.*

Now I have not the least doubt that if gentlemen who view the subject in this light should, in the plenitude of their legislative wisdom and power, think fit to revive against the poacher the obsolete laws of Philip and Mary against the gypsies, viz. that they be held guilty of felony *without benefit of clergy*,—the offence of poaching would be established for ever upon an immovable basis; the affrays between gamekeepers and poachers would be infinitely more bloody and numerous, the convictions of poachers infinitely less frequent, and the nuisance as firmly rooted into the habits of the people, as the injudicious severities.

¹ Colonel Thomas Wood, M.P. for the County of Brecon.

against the gypsies have been instrumental in perpetuating that profligate and abominable race. Such, in a less degree, has been the result even of the modified increase of severity adopted by the legislature at the end of the last session of parliament.

What other effect could be reasonably anticipated so long as the laws are administered by a humane and enlightened magistracy; and the distinction between rogues and honest men, in the code of Game Law Morality, continues on its present footing.

First, there are, as I have just observed, qualified persons who may legally buy game of their unqualified neighbour, and may inform against him at law the next hour for his share in the transaction, and pocket one half of the penalty incurred. These are the *honest men* according to the statute. Then for the *rogues*;—they consist, besides the poachers, of the poulterers, tavern-keepers, fishmongers, stage-coach porters, and three fourths of the opulent residents in the metropolis, of the great towns and the villas of England; who presume to buy, sell, barter, roast, and devour the superfluous “hares, pheasants, partridges, moor, heath game, or ‘grouse’ of the country, contrary to the form of the statutes in that case made and provided. Now I am far from presuming to assert that some of these individuals are not rogues; but I shall certainly afford them in this Letter that opportunity of stating what they can in their defence, which they did not enjoy before the Committee on the Game Laws. We shall then be better able to form a correct judgment upon two points:—First, concerning the moral turpitude of those who refuse to square their notions of rectitude by the rule of the Statutes upon Game:—Secondly, concerning the probability of forcibly eradicating the prejudices, habits, customs, and tastes of so large a portion of the community; and concerning the policy of making the attempt by severity, when all which is really useful may be much more effectually destroyed by an equitable compromise. We shall be able, in short, in some degree, to judge how far the transportation of a poacher or two (should any bench of quarter session be induced to pass such a sentence) can reasonably be expected to check the practice, so long as the supply of such an enormous demand for game, from so large a part of the community, is sapiently confined by law to the exclusive operations of poaching. But to return—

The Committee was appointed: the honourable member last mentioned was of course included in the list, and Colonel Wood was appointed chairman. It may well be conceived, after what has been said, that considerable difference of opinion must at first have prevailed concerning the practice and the principles of the laws complained of. But the evidence of the magistrates, police-officers, and country gentlemen, who offered themselves for examination, was so overwhelming, that *some alteration* was soon perceived to be indispensable. To inform the judgment of the Committee concerning the nature of the requisite alterations, a great mass of evidence and opinion was prepared. Poostmen, tavern-keepers, superintendants of stage coach offices, and other persons, were induced to attend daily at the door of the committee room, in order to lay open without reserve the mode in which the supply of game was first procured, next brought to market, and ultimately disposed of to the consumer—together with the bearings of the different parts of the transaction upon their several feelings and interests. For some reasons which I have never been able to fathom, and which it would be presumptuous to pretend to divine, no part of this evidence was ever permitted to be given, and the persons in question had the labour of their attendance for their pains. But as I cannot help considering this evidence as highly relevant to the discussion in which I am now engaged, and as I had the opportunity of learning from many of the individuals themselves the substance of what they intended to depose, I make it a matter of conscience to lay it before the public.

And, first, of the office-keepers of the public coaches (the first stage in the process after the poacher himself, of whom I said enough in my first letter): a most respectable member of that fraternity stated, that it would be worth his while to make almost any sacrifice that a legal supply of game should be afforded to the purchasers by regular consignments from the fair runners; that, according to the present system, he cannot keep a porter three months before he becomes corrupted by intercourse with the guards of the night coaches, whose agent he necessarily is for the disposal of the spoil which they have purchased of the country poachers. That the man himself, by an habitual feeling that he is transgressing the laws and exposing himself to a penalty, is not

requires the customs and the feelings of a thief; is imbued with the arts of lying and concealment; and loses all the qualities of a trust-worthy servant. That if a succession of moon-light nights brings a glut of poached game into the market, a part of it necessarily remains in these agents' hands until it becomes stale and unmarketable; the regular consequence of which is, that they remove the tickets from the fresh game which arrives by the coaches to be delivered to gentlemen in town, and, fixing them on their own worthless article, dispose of the former to their customers, and convey the latter to the persons to whom the former are directed. By this fraud the credit of the coach office is destroyed, and the owners subjected to reprimands of the most unpleasant description. The owner of a great office in ~~London~~ informed me that, notwithstanding the utmost vigilance, and the frequent punishment and discharge of his porters, he had never been able effectually to repress the practice. "Suppose, Sir," said I, "these porters were to be transported for the first offence, upon conviction before a police magistrate without the troublesome intervention of a jury, do you think it would check the practice?"—"About as much, Sir," he answered, "as it would check the current of the Thames under London Bridge." The temptation is so great from the immense number of receivers, from the extent of the demand, and the consequent facility of disposing of the article for ready money, that agents among the distressed persons in great towns can never be wanting while a temptation so exactly adapted to their wants and habits, continues to exist. You, Sir, as a magistrate, must know the nature of a poor man once corrupted by the facility of dishonest gain, and may judge if even the distant prospect of the gallows would make him abstain from a custom so lucrative, and so easily carried on. No, Sir; there is but one way of checking it; viz. by opening to the receivers a legitimate supply; and thereby taking from them the inducement to corrupt these poor fellows, and to injure our honest calling. Gentlemen will find this out by and by."—"They probably will, Mr. ~~Magistrate~~, but in the mean time I should not be surprised if some of your porters were first sent on a voyage to Botany Bay, by way of experiment." ~~It would be a good idea to send some of them to Botany Bay.~~

Next came the poor poulterers, anxious to the last degree to be

removed from under the harrow, and so be enabled to satisfy their customers without transgressing the law. Mr. Suppose, Sir, I said one of them, "a statute should prohibit the bakers in towns from making and selling muffins and crumpets, although flour is cheap and wheat in plenty, and should confine the luxury to the country squires, or to those to whom they might convey them as presents. Suppose, as a natural consequence, that all the independent breakfasters in London should pertinaciously insist on having muffins and crumpets on their table in spite of some unreasonable prohibition—do you think the bakers would not bake them, or is it, as you observed, that B. C. and D. would not be forward to profit by this abstinence? Do you believe that there would be one muffin baked in London?"—and I am sorry, Mr. —, to hear you talk in that strain. Don't you perceive that, according to the *spirit* of the statute, A. would be an *honest man*, and B. C. and D. *rogues*; and that it is worth some sacrifice to distinguish rogues from honest men?"—I don't know, Sir, what you mean by your rogues and your morality; but this I know, that the tavern-keepers who come to me for their dozen dishes of game, and the gentlemen who want their ten or twelve brace of pheasants for a ball-supper, or their hare and partridges for the second course, are not very patient when I make any difficulties of that sort. They say, "It does not signify, Mr. —, I must have them; my customers, my maître-d'hôtel, my cook, tell me they cannot possibly do without them. I have no manor; I cannot buy them in the market; and therefore, Mr. —, if you cannot accommodate me, I know that Mr. — in the next street always keeps an ample supply, and I am afraid I must transfer my custom to him self." To be sure, Mr. —, this is a little hard upon you; but, suppose that you and the rest of the posturers were all transported to Botany Bay for the *first offence* you committed in the way of selling game, don't you think it would check the practice?"—(The truth, Sir, I should be sorry to quit my wife and family upon such a voyage, and should think it rather hard to be reduced to the alternative of losing my custom or refusing such a catastrophe.) But as to checking the practice, nothing as the London Tavern, the Green and Anchor, the Freemasons', the Lord Mayor, the Sheriff, the worshipful the Justices, the Council, learned in the laws, and the

opulent merchants, must have game in their second course; and Lord ——— and the Marquis of ———, whose estates are in Ireland, must have pheasants at any price at their ball-suppers; I verily believe that, if I and half the poulterers in town were transported to-morrow, the other half would forthwith step into our shops; and add the whole of our game trade to their own!"

Not wishing to press Mr. ——— more closely, as he really seemed to have a tender conscience, I turned to Mr. ———, the keeper of the great tavern in ——— street, and asked him if he did not feel some shame at corrupting the poor poulterers at so unconscionable a rate. "Why, as to that, Sir," he answered, "I'll tell you exactly how it is. The Aldermen, the Directors, the Squires, the Lords, and the Justices, come to me, and order the best dinner I can procure for twenty people at so much a head; of course men of their station and consequence pay the best price, and expect the best fare. They say, 'we must have every thing handsome; and, remember, plenty of game in the second course!' You may well conceive, Sir, that these acute personages are not at such a moment exceedingly alive to the nice distinctions of Game. How morality between rogues and honest men! And if I were to make a parade of honesty in this particular, I believe you need not be told what resource my distinguished customers would fly to, so long as rogues were to be found at the Adieu, the London, and other taverns. I might have the satisfaction of *losing* game, but I should inevitably become a bankrupt."—"But suppose, Mr. ———, that you and your fraternity were liable to be transported for the first offence without the intervention of a jury, upon a mere denunciation before your customer the justice?" This suggestion made my friend rather angry, which I was sorry for, as I did not mean to offend him. He soon however recovered his good humours, and, laughing out, he said, "I'll tell you what, Sir, if you are upon the plan of transportation, why be harsh upon us poor underlings? Why not go to the fountain head at once? The fear of

¹ An acquaintance of mine went the other day to buy ten brace of pheasants for a ball-supper. He was introduced where a heap was lying, just arrived from the country, of fifty or sixty brace from various quarters of England. I wish the immediate and remote consequences of that one supply could be told before my readers.

transportation would not prevent some tavern-keepers from dressing game, if their customers will come up to their price, and therefore would not materially check the evil. The love of money and the love of partridge combined would still carry the day; and the risk incurred would inflame that, as it does every other species of affection. But if the advocates for severity will make a bold stroke at once, and transport the Aldermen, the Directors, the Lord Mayor, the Squires, the Lords, and the Justices, upon proof that they have tasted the contaminated food, something more might be said for their consistency as well as for their wisdom. For if there be any crime in the case, they are the culprits after all. It is not because the poacher kills the game, that the poulterer buys it, and that I dress it; but it is because the Aldermen, the Directors, the Lord Mayor, the Squires, the Lords, and the Justices, will have it, that I dress it, that the poulterer buys it, and that the poor poacher kills it. I have often, Sir, been shocked at the whole system; and, since this inquiry began, have been almost inclined to give up all concern in it at every risk. But then it occurred to me that after all it is a little hard that the Aldermen, the Directors, the Lord Mayor, the Squires, the Lords, and the Justices living in London, should be debarr'd, by what appears a mere whim and caprice, from a luxury they can afford to buy, which many honest landholders are ready to sell if permitted, and which the country produces in sufficient plenty for all their wants, and for the amusement of sportsmen also. I have frequently thought, why not make them and us all easy by legalizing the sale by the fair owner, as I am told is the case in other countries, where game is nevertheless more plentiful than in ours. There would then, Sir, be a real distinction between the *rogue* and the *honest man* in common sense, which is better than a *nominal distinction* upon the face of an obsolete statute. The *monopoly* would be taken out of the hands of the poacher; and his punishment, instead of encouraging the crime in others, would then really secure to the honest man the enjoyment of his property, and enable us poor tavern-keepers to oblige our customers without transgressing the law. It would likewise increase the quantity of game for the sportsman, and lower the price to the consumer; for, according to the present sapient system, the game-keeper and the poacher monopolize the

whole concern between them, and of course fix the price, generally speaking. Every other individual is interested in destroying the breed. Why, it was only the other day that my brother, a great farmer under Squire —— at —— told me, that if it were not for the silly, provoking, exclusive, and after all ineffectual enactments of the Game Laws, the Squire's property would be full of game; whereas the landholders now are obliged to destroy it in the egg in order to avoid the nuisance of the poachers, whose business it is to carry off by night for sale the very animals which might be sent to market by the farmer whose corn they feed upon, after having afforded his landlord, himself, or his friends, an honest and wholesome recreation in open day!" After this long harangue I did not think my friend's mind in a state to listen to the obvious argument, that what the legislature of a country has enacted into law should be conscientiously obeyed by the subject. Indeed, the miserable success which I have always found to attend this course of reasoning when applied to the Game Laws, and addressed to persons of any rank in life either in London or in the country, has made me more averse than I fear I ought to be to entering into that part of the controversy. One thing, however, I suspect to be true, viz. that when in a free and enlightened, and upon the whole a moral country, the current of opinion among the educated part of the community is so decided and universal against any law, it is the part of wisdom in the legislature to new model it upon principles somewhat more in unison with the public feeling and judgment.

Although the parties whose conversation I have now detailed, were not permitted to give their evidence before the Committee, some very respectable magistrates were examined, whose opinions are reported to have been so uniform concerning the extent and causes of the evil, and the general nature of the remedy, that, notwithstanding a great original difference of opinion, the Committee at last became nearly unanimous that, in some mode or other, game should be made legally saleable. In truth this must obviously be the foundation of any rational plan for checking the evils and immoralities of poaching, and to any fair and equitable arrangement of the enjoyments arising from game, in the present state of society in England. This point once established, the conflicting in-

interests and discordant feelings of the several parties concerned, would soon settle down of themselves into an amicable system of mutual arrangement. It therefore behoves those persons who are really friends to good order, good government, and good neighbourhood in the country, not to be over-scrupulous in discovering minor imperfections in any plan involving this great desideratum. Upon this principle I should be the last man to start any serious objections to the Report, and the recommendation embodied in it, which were laid before the House of Commons by the Committee on the Game Laws at the conclusion of their labours. It involves the indispensable principle of a legal sale by the fair owner; and concludes in the following words.

Your Committee conceive, that in the present state of society, there is little probability that the laws above referred to can continue adequate to the object for which they were originally enacted. The commercial prosperity of the country, the immense accumulation of personal property, and the consequent habits of luxury and indulgence, operate as a constant excitement to their infraction, which no legislative interference that your Committee could recommend, appears likely to counteract.

It appears that, under the present system, those possessors of land who fall within the statutable disqualifications, feel little or no interest in the preservation of the game, and that they are less active in repressing the baneful practice of poaching, than if they remained entitled to kill and enjoy the game found upon their own lands. Nor is it unnatural to suppose, that the injury done to the crops, in those situations where game is superabundant, may induce the possessors of land, thus circumstanced, rather to encourage than suppress illegal modes of destroying it.

The expediency of the present restraints upon the possessors of land, appears further to your Committee extremely problematical. The game is maintained by the produce of the land, and your Committee is not aware of any valid grounds for continuing to withhold from the possessors of land, the enjoyment of that property which has appeared by the common law to belong to them.

"The present system of Game Laws produces the effect, without encouraging its illegal and irregular destruction by poaching, in which an interest is thereby created to obtain a livelihood by systematic and habitual infractions of the law. It can hardly be necessary for your Committee to point out the mischievous influence of such a state upon the moral conduct of those who addict themselves to such practices; to them may be readily traced many of the irregularities, and most of the crimes, which are prevalent among the lower orders in agricultural districts.

"Your Committee hesitate to recommend, at this late period of the session, the introduction of an immediate measure, upon a subject which affects a variety of interests; but they cannot abstain from expressing a sanguine expectation, that by the future adoption of some measure, founded upon the principle recognized, as your Committee conceive, by the common law, much of the evils originating in the present system of the Game Laws, may be ultimately removed.

"Upon mature consideration of the premises, your Committee have come to the following RESOLUTION:

"Resolved,

"THAT it is the opinion of this Committee, That all game should be the property of the person upon whose lands such game should be found."

I believe that it was the deliberate opinion of Mr. Fox (himself a keen sportsman), more than once expressed in Parliament, that game should be made property under certain regulations. His authority on this subject has still (as it deserves to have) great weight with many; and, if I am not misinformed, one of the most exalted personages in the kingdom has condescended to turn his attention to this great moral subject, and, with more extensive means of inquiry than any other individual, has expressed his decided approbation of the plan proposed by the Committee. Under such united auspices, it is to be hoped, that the plan can scarcely fail of success. But if any thing were wanted still farther to ensure it, it may be found in the very natural result that has arisen from the measure of increased severity adopted during the last days of the last session of Parliament, under the support of the honorable and independent member for the borough of Corfe

Gentle, and of those persons who agree with him in the view he has taken of the subject. Of this act of parliament the history is somewhat curious. Pending the deliberation of the Game Law Committee, and when those who felt an interest in the question could, of course, have had no expectation of any intermediate attempt to alter the laws respecting game, the honorable and independent Member, last mentioned, is reported to have introduced into the house a Bill, entitled the Rogue and Vagabond Bill, (which was supposed by persons (out of doors at least) who ever thought at all respecting it, to be some technical amendment of the Vagrant Act. Understanding that this bill was to be brought on for discussion on the last days of the session, and having felt, as a magistrate, some inconvenience in the execution of laws necessarily passed in so much hurry, and with so little attention as can be afforded in this thin houses and lax attendance of that period of the session, I felt tempted to be inquisitive concerning the provisions of this bill; and my curiosity was gratified by the kindness of a friend who sent me a printed copy of it. The reader will probably excuse an assertion, that my surprise was great on discovering that the *Rogue and Vagabond Bill* was simply a naked enactment for increasing the severity of the Game Laws, at the very moment when the Committee were expressing themselves in the manner just quoted, upon the nature, tendency, and equity of the prohibitions and severities with which they were already replete. It consisted, if I rightly recollect, of one or two short enactments, authorising magistrates assembled at quarter sessions to convict, by a summary process, persons found by night in enclosed places with guns, sticks, or other implements, *with intent to take game*; and to subject them, at the discretion of the said magistrates, to *transportation* for seven years, or any punishment less than transportation for the first offence.

Humble as I am, as an individual, I felt that this was a case in which the industry of the humblest individual might be useful. I immediately travelled to London, and waited upon some of my friends who are most remarkable for attention to their parliamentary duties. Upon asking if they had any knowledge of the *Rogue and Vagabond Bill*, I found that they had conceived of it, as I at first

had done, as a mere technical alteration of the Vagrant Act, likely to pass of course, and very little worthy of their attention. They thanked me, however, for calling their attention to the document, and I did not quit London without the satisfaction of leaving the affair in the hands of a zealous and enlightened Member, whose premature death occasioned by the fatigues of active public service, I am sorry to hear, has lately deprived his country, his profession, and the House, of which he was a distinguished ornament, of his valuable services. The next account which reached me of the *Rogue and Vagabond Bill*, was in a letter from this gentleman, dated from the House of Commons, almost the last day of the session, in which I was informed that although bills were passing in great rapidity, and the House in the utmost heat of legislation, the bill had been sent to the Lords very much altered from the state in which it was first introduced. That, although to be found in the night having any instrument for the purpose, and with the intent, of taking game, was still a misdemeanour, the punishment of which might be carried as far as transportation for seven years, which is to be left to the discretion of the court; yet, instead of being a summary proceeding under the Vagrant Act, as originally proposed by the bill, it must now be a trial by jury, either at sessions or the assizes, and is in the mean time a bailable offence. This salutary alteration was also attended with the repeal of the 39 and 40 Geo. III. inflicting by summary process, under the Vagrant Act, a milder punishment for the offence named in the present bill. A step, therefore, is certainly gained upon the old law, by restoring in the cases to which the 39 and 40 Geo. III. would apply, the constitutional course of the criminal law, giving the person charged the double protection of the grand and petty jury. The new act, however, is upon the whole an increase of severity, and must appear to the lower classes (to whom it is intended to apply) more so than it really is,—as they can understand the severity of the punishment, better than their additional chance of escape, by the alteration in the mode of adjudging it. It is therefore a fair experiment concerning the efficacy of increased severity, and it may be instructive to trace the effect upon the minds and conduct of those intended to be affected by it.

The first and most palpable effect has naturally been an exalta-

tion of all the savage and desperate features in the poacher's character. The war between him and the game-keeper has necessarily become a "*bellum internecinum*." A marauder may hesitate perhaps at killing his fellow man, when the alternative is only six months' imprisonment in the county gaol; but when the alternative is to overcome the keeper, or be torn from his family and connections, and sent to hard labour at the antipodes, we cannot be much surprised that murders and midnight combats have considerably increased this season; or that information, such as the following, has frequently enriched the columns of the country newspapers.

POACHING.—Richard Barnett was on Tuesday convicted before T. Clutterbuck, Esq. of keeping and using engines or wires for the destruction of game in the parish of Dunkerton, and fined 5*l.* He was taken into custody by C. Coates, keeper to Sir Chas. Bamfylde, Bart., who found upon him 17 wire snares. The new Act that has just passed against these illegal practices seems only to have irritated the offenders, and made them more daring and desperate. The following is a copy of an anonymous circular letter, which has been received by several magistrates, and other eminent characters in this neighbourhood:

"**TAKE NOTICE** :—We have lately heard and seen that there is an Act passed, and whatever poacher is caught destroying the game is to be transported for seven years—*this is English liberty!*

"Now, we do swear to each other that the first of our company that this law is inflicted on, that there shall not one gentleman's seat in our country escape the rage of fire: we are nine in number, and we will burn every gentleman's house of note. The first that impeaches shall be shot. We have sworn not to impeach; you may think it a threat, but they will find it reality. The game laws were too severe before: the Lord of all men sent these animals for the peasants as well as for the prince. God will not let his people be oppressed; he will assist us in our undertaking, and we will execute it with caution."—*Bath Paper.*

DEATH OF A POACHER.—On the evening of Saturday se'night, about eight or nine o'clock, a body of poachers, seven in number, assembled by mutual agreement on the estate of the Hon. John Dutton, at Sherborne, Gloucestershire, for the purpose of

taking hares and other game. With the assistance of two dogs, and some nets and snares which they brought with them, they had succeeded in catching nine hares, and were carrying them away, when they were discovered by the gamekeeper and seven others who were engaged with him in patrolling the different covers, in order to protect the game from nightly depredators. Immediately on perceiving the poashers, the keeper summoned them in a civil and peaceable manner to give up their names, the dogs, implements, &c. they had with them, and the game they had taken; at the same time assuring them that his party had fire-arms (which were produced for the purpose of convincing and alarming them), and representing to them the folly of resistance, as, in the event of an affray, they must inevitably be overpowered by superior numbers, even without fire-arms, which they were determined not to resort to, unless compelled in self-defence. Notwithstanding this remonstrance of the keeper, the men unanimously refused to give up on any terms, declaring, that if they were followed, they would give them a "brush," and would repel force by force. The poashers then directly took off their great coats, threw them down with the game, &c. behind them, and approached the keepers in an attitude of attack. A smart contest instantly ensued, both parties using only the sticks or bludgeons they carried: and such was the confusion during the battle, that some of the keepers were occasionally struck by their own comrades in mistake for their opponents. After they had fought in this manner about eight or ten minutes, one of the poashers, named Robert Simmons, received a violent blow upon his left temple, which felled him to the ground, where he lay, crying out murder, and asking for mercy. The keepers very humanely desired that all violence might cease on both sides: upon which three of the poashers took to flight and escaped, and the remaining three, together with Simmons, were secured by the keepers. Simmons, by the assistance of the other men, walked to the keeper's house, where he was placed in a chair: but he soon after died. His death was no doubt caused by the pressure of blood upon the brain, occasioned by the rupture of a vessel from the blow he had received. The three poashers who had been taken were committed to Northbush pri-

son. The inquest upon the body of Simmonds was taken on Monday, before W. Trigge, Gent. Coroner; and the above account is extracted from the evidence given upon that occasion. The poachers were all armed with bludgeons, except the deceased, who had provided himself with the thick part of a nail, made of iron from a crab-tree, and pointed at the extremity, in order to thrust with, on occasion required. The deceased was an athletic muscular man, very active, and about twenty-eight years of age. He resided at Howle, in Oxfordshire, and has left a wife, but no child. The three prisoners were heard in evidence, and all concurred in stating that the keepers were in no way blameable, and attributed their disaster to their own indiscretion and imprudence. Several of the keeper's party were so much beat as to be now confined to their beds. The two parties are said to be total strangers to each other, consequently no malice prepense could have existed between them; and as it appeared to the jury, after a most minute and deliberate investigation, that the confusion during the affray was so great, that the deceased was as likely to be struck by one of his own party as by the keeper's, they returned a verdict of—*Manslaughter* against some person or persons unknown.

Wretched as the first of these productions is, I think it can scarcely be denied, that both its spirit and its probable consequences are wholly to be ascribed to the exasperation naturally consequent upon the severe enactment just alluded to. And the last case is at least a strong proof that severity of enactment is quite inadequate to correct the evil.

The second very natural consequence of the new act has been, that from the general conviction of its undue severity, the increased punishment has not, I believe, in one solitary instance been inflicted. In the only convictions that I have heard of under the new law, the milder punishment of six months imprisonment has been adjudged. The lamentable effects of the law, therefore, upon the disposition and habits of the poacher have been perfectly gratuitous. The fear of the punishment has added desperation to the crime; and the actual punishment of the criminal when taken, has not even afforded the terror of example to deter others from future offences.

The third consequence has followed of course from this combination of increased atrocity with undue, and therefore ineffectual, severity.

THE OFFENCE OF POACHING HAS EXCEEDINGLY INCREASED. For the proof of this fact I appeal to the experience of magistrates acting in populous districts, and in the neighbourhood of great towns, which are the principal marts for stolen game. The columns of the county papers, also, offer ample evidence upon this point. So that I really think we are justified in concluding, that if reason, if experience, if common sense, if the spirit of the times and the state of society, if moral consequences, if regard to the welfare of the most numerous and valuable class of the community, if natural equity, if the better informed judgment of interested persons converted in spite of their own wishes and prejudices, if the almost universal consent of unprejudiced judges, if the prayers of the friends of humanity and the tears of the widow and orphan be of any weight in determining a question, the Legislature will incur a fearful responsibility should it hesitate to embody in a Statute the principles and the substance of the Report of its Committee on the Game Laws.

Having stated the consequences of the new enactment with the warmth of feeling which sincere conviction, founded on a knowledge of facts, authorises, and cannot but produce in a mind alive to every thing that toughens the moral welfare of the country and the equity of its laws, I feel that a tribute of justice is due to the authors and promoters of that act. I have not the least doubt that they were conscientiously convinced of the justice and probable efficacy of their proceeding. The character of the honourable and independent gentleman who is reported to have introduced it, is sufficiently established for firmness and consistency, for honourable feeling, and the accomplishments befitting his station.

I do not pretend to submit this pamphlet to him with diffidence, because I believe that I have more extensive knowledge than he has of the habits and dispositions of the labouring classes of society, and of the moral and political effects of the Game Laws. I trust that he and those who think with him are now satisfied that their experiment has failed. Firmness, it has been well said, con-

sists in a perseverance in what is right. To persevere in what turns out to be wrong is not courage but obstinacy.—I am, dear Sir,

Faithfully yours,

A COUNTRY GENTLEMAN,

JAN: 1, 1817.

AND PROPRIETOR OF GAME.

APPENDIX. NO. I.

REPORT FROM THE COMMITTEE ON THE GAME LAWS.

The COMMITTEE appointed to take into Consideration the Laws relating to Game, and to report their Observations and Opinion thereupon, from time to time, to The House, have considered the Matters so to them referred, and agreed upon the following Report:

YOUR Committee, in investigating this important subject, proceeded to the consideration of the present existing laws for the preservation of game: their adequacy to their professed object, their policy and justice, and their effects upon the habits and morals of the lower orders of the community. In considering the existing state of the law upon this subject, their attention was naturally directed, in the first place, to its state in the early periods of the common law, and in that your Committee finds concurrent and undisturbed authorities for contemplating game as the exclusive right of the proprietor of the land *ratione soli*. In a law of Canute's (vide 4th Institutes, p. 920,) your Committee find that he thus expresses himself:—*Præterea autem concedo ut in propriis ipsius prædiis quisque tam in agris quam in sylvis excitet agitetque feras*; and Blackstone II. p. 415, *sit quilibet homo dignus venatione sua in sylva et in agris situ propriis et in dominio suo*. In the preamble of the Statutes, 11th Henry VII. c. 17, a parliamentary recognition of the common law is most distinctly made, and in unequivocal language. It states, that persons of little substance destroy pheasants and partridges upon the lordships, manors, lands, and tenements, of divers owners and possessioners of the same, without license, consent, or agreement of the same possessioners, by which the same lose not only their pleasure and disport that they, their friends, and servants, should have about hawking, hunting, and taking of the

same, but also they lose the profit and avail that should grow to their household, &c.

In the 4th Institutes, p. 304, it is laid down, that seeing the wild beasts do belong to the purlieu men *ratione soli*, so long as they remain in his grounds he may kill them, for the property *ratione soli* is in him. In 11 Coke's Reports, p. 876, it is laid down, that for hawking, hunting, &c. there needeth not any license, but every one may, in his own land, use them at his pleasure, without any restraint to the chase, if not by parliament, as appears by the Statutes 11 Hen. VII. c. 17; 23 Eliz. c. 10; and 3 James I. c. 13.

In Sutton and Moody's 5 Modern Reports, p. 375, Holt, C. Justice, says, the conies are as much his, in his ground, as if they were in a warren, and the property is *ratione soli*. So in the year-book, 12 Hen. VIII. pl. 10, if a man start a hare in his own ground, he has a property in it *ratione soli*.

A limitation, and to a certain degree in derogation of the common law, a variety of Statutes have subjected to penalties persons who, not having certain qualifications, shall even upon their own lands kill any of those wild animals which come under the denomination of Game.

By the 13 Rich. II. Stat. 1, c. 13, laymen not having 40s. per annum, and priests not having 10*l.* per annum, are prohibited from taking or destroying conies, hares, &c. under pain of a year's imprisonment (this Statute appears to be the first introduction of a qualification to kill Game.) By the 32 Hen. VIII. c. 8, a penalty upon selling Game was first enacted; but this was a temporary law, which was suffered to expire, and the sale of Game was not again restrained till the 1st James I. c. 27. By the 3d James I. c. 13, the qualification to kill Game was increased to 40*l.* in land, and 200*l.* in personal property.

By the 22 and 23 C. II. c. 25, Lords of Manors, not under the degree of Esquire, may by writing under their hands and seals appoint game-keepers within their respective manors, who may kill conies, hares, &c. and other Game, and by the warrant of a Justice may search houses of persons prohibited to kill Game.

It appears to your Committee, that the Statute 22 and 23 C. II. is the first instance, either in our Statutes, Reports, or Law Treatises, in which Lords of Manors are distinguished from other land owners, in regard to Game.

The same Statute, section 3, confines the qualification to kill Game to persons having lands of inheritance of 100*l.* per annum, or leases to a 150*l.* (to which are added other descriptions of personal qualifica-

tions) and persons not having such qualifications, are declared to be persons not allowed to have or keep game dogs, &c.

The 22 and 23 C. II. c. 25, was followed by 4 and 5 W. and M. c. 23, and the 28 Geo. II. c. 12, which enacted penalties against unqualified, and, finally, against qualified persons, who shall buy, sell, or offer to sell any hare, pheasant, partridge, &c. Similar penalties are therein enacted against unqualified persons having Game in their possession.

Such appears to your Committee to be the state of the laws respecting game, as they at present stand. The various and numberless Statutes which have been enacted upon the subject, and to which your Committee have not thought it requisite to allude, have not been unobserved by them; but seeing that they are merely supplementary to those to which your Committee has made reference, they have not felt it important to enter into a detail of their enactments.

Your Committee cannot but conclude that, by the common law, every possessor of land has an exclusive right *natura sibi* to all the animals *feræ naturæ* found upon his land; and that he may pursue and kill them himself, or authorize any other person to pursue or kill them; and that he may now by the common law, which in so far continues unrestrained by any subsequent Statute, support an action against any person who shall take, kill, or chase them.

The Statutes to which your Committee have referred have, in limitation of the common law, subjected to penalties persons who, not having certain qualifications, shall exercise their common-law right; but they have not divested the possessor of his right, nor have they given power to any other person to exercise that right, without the consent of the possessor.

It appears to your Committee, that the 22 and 23 C. II. has merely the effect of exempting from those liabilities which were previously enacted against unqualified persons, such game-keepers as shall receive exemption from them by the Lords of Manors (and which exemption the said Lords of Manors are thereby empowered to give); but that the restraints upon the sale of game equally affect the entire community.

Your Committee conceive that, in the present state of society, there is little probability that the Laws above referred to can continue adequate to the object for which they were originally enacted. The commercial prosperity of the country, the immense accumulation of personal property, and the consequent habits of luxury and indol-

gence, operate as a constant excitement to their infraction, which no legislative interference that your Committee could recommend appears likely to counteract.

It appears that, under the present system, those possessors of land who fall within the statutable disqualifications feel little or no interest in the preservation of the game, and that they are less active in repressing the baneful practice of poaching, than if they remained entitled to kill and enjoy the game found upon their own lands. Nor is it unnatural to suppose that the injury done to the crops, in those situations where game is superabundant, may induce the possessors of land thus circumstanced, rather to encourage than to suppress illegal modes of destroying it.

The expediency of the present restraints upon the possessors of land appears further to your Committee extremely problematical. The game is maintained by the produce of the land, and your Committee is not aware of any valid grounds for continuing to withhold from the possessors of land the enjoyment of that property which has appeared by the common law to belong to them.

The present system of Game Laws produces the effect of encouraging its illegal and irregular destruction by poachers, in whom an interest is thereby created to obtain a livelihood by systematic and habitual infractions of the law. It can hardly be necessary for your Committee to point out the mischievous influence of such a state upon the moral conduct of those who addict themselves to such practices; to them may be readily traced many of the irregularities, and most of the crimes, which are prevalent among the lower orders in agricultural districts.

Your Committee hesitate to recommend, at this late period of the session, the introduction of an immediate measure, upon a subject which affects a variety of interests; but they cannot abstain from expressing a sanguine expectation, that by the future adoption of some measure, founded upon the principle recognized, as your Committee conceive, by the common law, much of the evils originating in the present system of the Game Laws may be ultimately removed.

Upon mature consideration of the premises, your Committee have come to the following Resolution;

RESOLVED,

That it is the opinion of this Committee, that all game should be the property of the person upon whose lands such game should be found.

26th June, 1816.

LETTER III.

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January 1, 1818.

DEAR SIR,

AGAIN the county gaols of England are overflowing with poachers, many of whose cases are marked with circumstances peculiarly desperate and atrocious.

Previous to the two last sessions of Parliament, in two several letters to you, I fully exposed the pernicious tendency of the Game Laws as they now stand, and the almost irresistible temptations to crime which they hold out. I endeavoured to mark, as I thought they deserved, the immorality and the utter absurdity of continuing an obsolete *prohibition* which the change in the state of society has actually converted into an *encouragement*, the *practical result* of which is simply to give the monopoly of a profitable traffic to rogues and vagabonds, and thus to encourage the increase of those meritorious personages, while it exceedingly discourages the breed and preservation of game, which it is its ostensible object to protect.

Although these facts are undeniable and unrefuted—say, although they are confirmed and substantiated by the decision and report of a large and enlightened committee of the House of Commons, many of whom were country gentlemen converted in spite of long-cherished prejudice, yet, strange to say, every attempt to build up a better system upon sound and rational principles has hitherto been defeated in Parliament. And what is still more extraordinary, in proportion as a misapplied increase of severity has been found to lead to its natural and necessary consequence, the increase and

propagation of the crime, has it been nevertheless applied in spite of all experience, but in the sapient expectation of repressing the offence.

Few things have more excited my astonishment than that such a code of laws should still be permitted to rear its head in such a country. As Englishmen we have many privileges and institutions which gloriously distinguish us not only from the slaves, but from the free-men of other countries; but in respect to our Game Laws we are really behindhand with the lowest slaves of the most despotic governments in Europe.

It is not however my intention to travel over again the ground which has been already made good. I consider it as proved and admitted, and no longer open to a reasonable doubt, that the present Game Laws are become in their actual operation oppressive and unequal,—so completely ineffectual for their professed object as even to have a contrary tendency—altogether inapplicable to the present state of society in England, and above all that they are the convicted parents of more than half the brutal crimes which stain the annals of our country villages. If any one still doubt the truth of these assertions, he is referred to the unanswered arguments of my two former letters. Unless they are open to answer and refutation, I cannot think that in times like these, when genuine moral feeling is widely diffused through all classes, so enormous and gratuitous a blot will long be permitted to rest upon our national polity.

It is however, alas! but too true that in a numerous community many will have their judgments imperceptibly biased by their supposed interests. But it is also consistent with a fair observation of human affairs to perceive, that whenever men act upon the calculation of their supposed interests being in opposition to the claims of justice and morality, they are always as much mistaken in their interests as they are in their duty.

To show that this is so in the case before us is the principal object of this letter, in which I hope to show you more in detail than the limits of my former letters would allow, that all parties whose interests are in any way involved in the subject would be materially benefited by a radical reformation of the present system, and that none could possibly receive the least injury.

The first party which requires our notice is the limited proprie-

tor, in whom is *virtually* (and, as some writers contend, *legally* also) vested the property in the game upon the land. It is at first sight natural to suppose that these persons looking into the statute-book, and finding an immense string of severe penal restrictions upon the invaders of this property, so much beyond what the protection of other property of the same value is thought to require, it is natural I say to suppose that they should conclude this at least to be free from invasion. Yet it is in point of fact more exposed to it than any other. This may appear perhaps inconsistent with reasonable expectation.

Why is it that the penalties upon smuggling tea, sugar, tobacco, and other taxed articles of general consumption, are more efficient in repressing the offence? Probably, because by paying the duty the article may be had in an honest way. There is a competition between the fair and the unfair dealer, and the superior profit of the latter is more than compensated by his risk of incurring the penalty. But if the importation and sale of tea, sugar, and tobacco, were absolutely prohibited, so that they could *only be had of the smuggler*, I apprehend *no penalties* would be sufficient to prevent their introduction and consumption, and that the more severe the penalties, the greater would be the encouragement afforded to the smuggler. He would be assisted in the evasion of penalties by every one except the revenue officer; indeed, nine tenths of the people would be partakers of the crime. Moreover, the law itself would be so generally considered absurd and unjust, that no man of ordinary feeling and understanding could bring himself to enforce it against his neighbour.

Just so of the Game Laws:—so long as Englishmen, of all the men in Europe, are actually prohibited by severe penalties from *fairly* bringing to open market an article so generally coveted by purchasers as game, the law *practically* says nothing more nor less than this, that the article shall be exclusively brought to market by the *unfair* dealer; who is assisted in the evasion of the penalty by every individual save the lord of the manor; and who moreover excites so much compassion in all other minds from the absurdity and injustice of the law to which he is exposed, that in nine cases out of ten the offence cannot be prosecuted to conviction. It is obvious, then, that the higher the penalties, the greater is the encou-

ragement arising from all these causes, and the greater the temptation to commit the offence; because, when it succeeds, its remuneration is so much the higher. Whereas were the market fairly open to the honest dealer, and the question were only whether he should sell his commodity at a rate somewhat higher than the dishonest dealer, this difference might easily be compensated by a moderate penalty, which no man would hesitate in enforcing, because it would be considered both just and necessary, and which would therefore be really effectual in repressing the offence. Under this system too nine tenths of the community would be enlisted (as in all other cases) *against* the dishonest dealer, instead of in his favor. The purveyor, the purchaser, and the consumer, would certainly prefer procuring the same article without risk of a penalty than with it; and the interest of the occupier of the land would be to watch and repress the invader of a property now rendered of some value to him, instead of encouraging them to destroy what was previously an unprofitable nuisance.

From this reasoning I venture to conclude, that there is scarcely any conceivable system of legislation, except that *merciful* and *sapient* one which goes by the name of the Game Laws, that could render the proprietors of land insecure in the enjoyments arising out of the possession of game.

I have often contrasted in my mind the relative comfort on the one hand of the Squire sitting in his parlour with an angry brow, and receiving the daily return of spikes, steel traps and spring guns, of attorneys' bills for prosecuting and imprisoning poachers; of petitions from their destitute wives and children, of gamekeepers fettered and fastened to trees by the poachers' wires, or of poachers and keepers maimed and slaughtered together in indiscriminate combats in the dark; and, above all, daily aggravated reports of the increasing hatred to himself, and augmented brutality, profligacy, and ferocity towards each other, of the villagers whose moral and political welfare it is his duty to consult;—and, on the other hand, the same Squire under an ameliorated system, inviting his friends to walk with him in his woods without fear of endangering their lives, promoting the pecuniary as well as the moral interests of his neighbours and tenants by affording them a profitable article for sale as well as for recreation, securing to himself by the best of all

secures an ample supply for his own amusement, and, by the transfer of the sale of game from the nightly thief to the fair dealer at whose expence it is reared, gradually reclaiming the former to the pursuits of regular industry, and the care of their families, and (allowing time for the change of inveterate habits) seeing a lasting peace established on his property between the rival armies of gamekeepers and poachers—and, above all, resting his own recreation and amusement upon a solid foundation of love and affection, of good order and morality, among his neighbours and dependents,

Finally, with reference to the interests of the landed proprietor, there is one position which appears to me quite conclusive. The supply of game in the market is *at present* equal to the demand, and is never likely to exceed it; *an alteration of the law* would not materially increase the demand;—under both systems therefore the quantity sent to market would be nearly the same, and under the amended system a quantity *at least* equal to the present would be left upon the land.

It follows then as the total result of these positions, that with respect to the quantity sold from the land or retained upon it, an alteration of system would produce but little difference; the principal alteration effected would be in the *mode* in which the transfer is made—it would be taken out of the hands of the rogue and put into those of the honest man; a corrupting, clandestine and disgraceful traffic would be replaced by a fair and open trade. It would be a solecism indeed in politics, if any but the rogues could be losers by such a change, or if *the present* loss should turn out otherwise than an ultimate gain even to the rogues, both in a moral and pecuniary point of view.

But it has been said, that this scheme for making game a saleable property, is nothing else but a project for increasing the profits of the landed proprietor at the expence of the amusements of the rest of the community. Now this I venture to deny.

The proprietor may *now* prevent any man from coming upon his land to take game, and does in fact prevent those whose object is merely amusement. It is only the nocturnal depredator whom under the present system he cannot effectually repress. And surely *as against him*, it is more equitable that whatever trifling profit may accrue from the sale of game, should be enjoyed by

him at whose expense the article is produced and maintained, than by him who has no title to it whatever but theft and robbery. Then as to the probable *profits* upon game, it is quite idle to suppose that the value of game will ever so far exceed the value of corn, as to induce cultivators to sacrifice the last for the sake of the first. The tendency of wild animals to multiply will, as at present, produce under reasonable protection a moderate number on the land; and the alteration contended for, would at once give to the owner a fair remuneration for the expense of rearing them and nothing *more*, and would afford to the rest of society a resource of honest and healthy recreation.

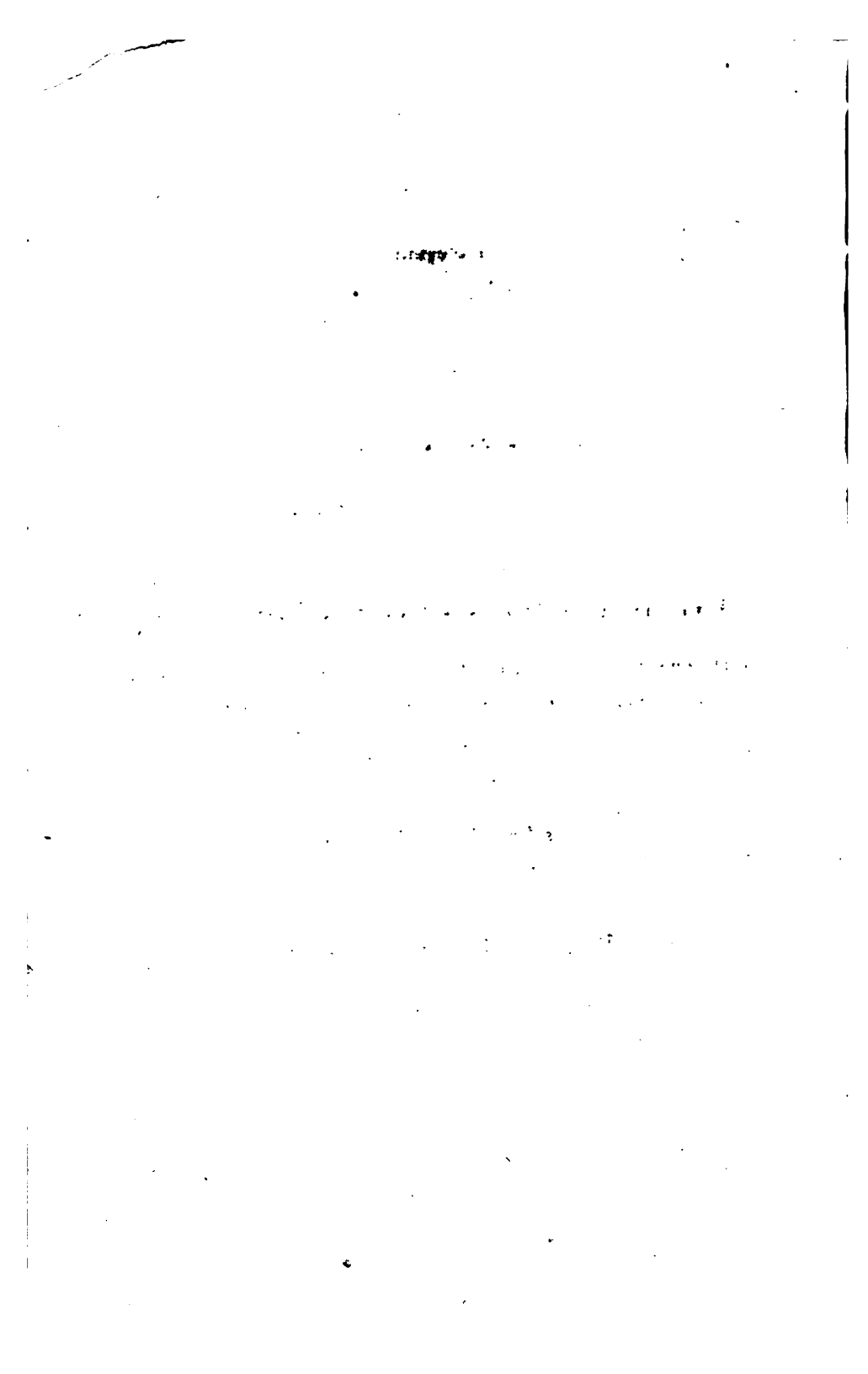
This brings under our notice the second party whose interests are involved in this question—namely, the residents in towns, and commercial or monied men without land, who wish occasionally to indulge in the recreation of sporting, and who I decidedly think ought to be qualified to do so. At present, without the permission of the landed proprietor, which he is not often willing to grant, they cannot enjoy the recreation, and even *with permission* they transgress the law by carrying a gun. But under an amended system the land-owner or his tenant (if not restricted) might, for a moderate pecuniary consideration, (less than the risk now incurred in taking a day's sport,) permit the townsman to take his recreation and carry off the produce of his amusement. And surely this would be a much more satisfactory footing for all the parties concerned.

There is however still a third party concerned, namely, the small landed proprietor with just what the Game Laws style a *qualification to sport*, who, having not sufficient land of his own to afford him recreation, trespasses upon that of his neighbours, and is only amenable to a circuitous process for the remedy of the owner. This person would certainly be curtailed in his amusements by any direct protection afforded to game as property, and would be placed upon the same footing with the townsman or monied capitalist. But give me leave to ask, is it not perfectly reasonable that he should be so placed? Unless he can show that the possession of a specific sort of property gives him an equitable title to invade the property of others, there can be but one answer to this question. In fact the privilege he enjoys is a mere remnant

of feudality, which even upon feudal principles is rendered obsolete by the diminution in the value of money.

I have so fully discussed the interests of the purchasers and consumers of game in my two former letters, that it is unnecessary to add any thing here upon that part of the question.

And now, my dear Sir, give me leave to ask if the supporters of the present system have one reasonable motive either of public or private interest for the course they are pursuing? Will they not at length admit that the enormous and admitted evils of the Game Laws are a perfectly *gratuitous* addition to the vice and misery of their country; and that a perseverance in support of them may justly fall under the same imputation which was affixed by one of our old writers to the character of a common swearer—namely, that “he is one who sells the Devil the best pennyworth that he meets with anywhere, and, like the Indians that part with gold for glass beads, endangers his conscience for the lightest trifles imaginable.” Nay, the supporter of the Game Laws appears open to a deeper reproach than this; for he endangers the consciences of others, without even getting a glass bead in return; while gold both allegorical and substantial would reward his accession to a more reasonable system.



COPY

OF A

LETTER

TO THE

RT. HON. WILLIAM STURGES BOURNE,

**CHAIRMAN OF THE SELECT COMMITTEE OF THE HOUSE
OF COMMONS APPOINTED FOR THE CONSIDERATION
OF THE**

POOR LAWS;

FROM

T. P. COURTENAY, ESQ. M. P.

A MEMBER OF THAT COMMITTEE.

NEVER PUBLISHED.

1817.

NO. XXII.

Part.

VOL. XI.

2 B

PREFACE.

THE following letter was written and printed, but not published, during the sitting of the Committee of the House of Commons on the Poor Laws. It was introductory to certain propositions for making use of Friendly Societies in reforming, and perhaps eventually abrogating the system of Poor Laws; undertakings for which, as appeared to the writer, the Committee were not at that time prepared to attempt by more decisive and direct methods. Notwithstanding many practical objections, of the force of which no man is more sensible than the writer, the Committee included these suggestions, with some modification, among those which they thought fit to be reported for the consideration of the House.

One view, then, with which the letter is now published is, to illustrate those passages of the Committee's Report, [p. 12-13] which relate to Friendly Societies; but a stronger motive to the publication arises from the wish to give a more extensive circulation to the observations upon the general subject, which in a limited circle have attracted some notice.

The author is fully aware, that these observations tend to no very precise or satisfactory conclusion; but all that has been said and written, even within the last year, satisfies him that this uncertainty belongs to the subject, by whomsoever handled; and that although the particular scheme of half measures here detailed will not be found extensively practicable, it will be only upon a principle of *compromise*, arising out of the doubts and difficulties herein displayed, that parliament will finally deem it politic to legislate.

London, 20th January, 1818.

DATA

LETTER,

&c. &c. &c.

Beckenham, 21st April, 1817.

MY DEAR SIR,

ACCORDING to the intimation which I gave before the recess to the Committee on the Poor Laws, I proceed to submit, through you, to the consideration of its members, what has occurred to me upon that subject, and particularly the ideas, which I have already explained imperfectly, in regard to the use that may be made of Friendly or Benefit Societies.

My suggestions for forming these Institutions upon a new principle, and affording to them a parochial guaranty, being perhaps the only part of what I have to offer which is in any degree new or peculiar; it is on that point only that I have hitherto ventured to state my sentiments: but I should greatly misrepresent my own views on the larger question, and very inadequately explain my ideas even on the particular branch of it to which my suggestions refer, if, in using the indulgence afforded to me by the Committee, I were to confine myself to the consideration of Friendly Societies.

Reflection has confirmed me in the opinion, that a guaranty, supported by the parochial assessments, of the benefits of such Societies, may be made one of the means by which the great evil of the Poor Laws is to be checked; but I should attribute to that proposition a very disproportionate importance, if I were to state that it would of itself be an effectual or even an useful measure. It is only as accompanying and facilitating a system of administration of the Laws of Relief, very different from the present, that I can venture to recommend my proposal.

Of the measures necessary in my humble opinion, for effecting this alteration of system, most have, in principle, been recommended to the Committee by other members; some have been specifically stated: but I shall take the liberty of embodying into my scheme the valuable suggestions which we have received; believing, that even though my own peculiar part of the scheme may fail, I may usefully endeavour to give a practical and connected shape to propositions which have, as yet been, only generally discussed:—and I trust that the Committee will not consider me as guilty of *piracy*, though I should recommend, without specific acknowledgment, what has been offered by others.

Diffident as I sincerely feel, in touching, however slightly, upon general principles, I find it impossible to make myself intelligible without some explanation of those by which I am influenced.

It is perhaps admitted by all that we are now in a situation from which we cannot easily or suddenly pass to a wholesome state, and it may perhaps be thought unnecessary to describe systems or lay down principles, the application of which, if not wholly impracticable, is at least very remote. Yet I conceive that unless we are in some measure agreed as to the desired end of our deliberations, we shall hardly understand one another as to the means: nor shall we duly appreciate the suggestions which we discuss, unless we explain to each other the principles upon which they are founded, and their ultimate operation, as well as their immediate effect.

Now, although I have endeavoured to preserve in my scheme a facility of adaptation hereafter to more than one view of political economy, yet I own, that it appears difficult to come to a decision either upon the suggestions which I am about to offer, or upon some of the points at this moment before the Committee, without determining how far we are affected by the opinions and conclusions of modern writers on population and subsistence.

Or, to speak perhaps more practically, it seems at least necessary, that in proceeding to reform the system of English Poor Laws, each of us should make up his own mind, whether he adopts, as many do, the act of the 43d of Elizabeth as the point of perfection, or whether he considers that Law as the foundation and commencement of a vicious system.

I fear that some gentlemen, who are averse from a discussion of the subject upon *general principles*, are disposed to take that act as a standard, without a sufficient consideration of the principles which it involves.

When we are desired to “tread back our steps to the 43d of Elizabeth,” it is meant, no doubt, that we should destroy some material branches of the existing system—particularly, the practice of giving pecuniary relief to able-bodied men: but it is meant also, that we should retain other essential provisions, among the most

obnoxious to political economists, as containing, according to opinions very generally received, the most injurious vices of the system.

If we abide by the act of Elizabeth, in its least extensive construction, we undertake the charge of those *children whose parents are not able to maintain them*; and we engage to *set to work* as well those children (if not helpless) as all other poor persons.

Herein, we ~~sm~~ are against two favourite doctrines of political economy; we facilitate the growth of a population not accompanied by an increase in the means of subsistence; and we create a supply of labour not proportionate to the demand, or to the funds for putting it in activity. We promote the reproduction of paupers, by enabling a man to marry before he has ensured the means of maintaining a family; we encourage idleness, by allowing him to depend (for a considerable part of his expenditure) upon funds not acquired by his own industry;—we subject property to an unlimited assessment:—we perpetuate, in short, if that political economy be sound, a great proportion of those evils of our system, which however they may have been extended during the last twenty years, by the enactments and practices originating in the scarcity of corn, are certainly not new within that period, and of which perhaps that very extension might be attributed to the original faultiness of the system.

Among the specific propositions, too, which have been made to the Committee, there are some which necessarily involve similar considerations; Mr. B., supported by you, Sir, proposes to carry into effect, in a new mode, the provision of the act of Elizabeth, concerning Children. It is true, that this proposition has in view, a *limitation* of parochial relief, by offering it to the poor man in a mode from which he is expected to be averse; but it is nevertheless true, that the proposition would ratify the establishment of a principle, tending to secure against want, families improvidently produced.

In Lord C's. view of the subject, a supply of *work* is one of the most prominent points; now, whatever moral advantages that mode of relief may have over the other, it equally proceeds upon the plan of providing, at all events, for all the people that may be born, and is scarcely less operative in encouraging their production.

Others of our members, Mr. W. S., for instance, and Colonel W., would give relief in *food* rather than in *money*; this recommendation has obvious advantages, but it is peculiarly open to the charge of undertaking to do that which the dispensation of Providence may have rendered impossible.

I conceive, then, not only that these several suggestions, considered as parts of a scheme of Reform, must be weighed with reference to general principles, but that their character as palliatives of an insurmountable evil, must be estimated by the same standard:

for upon all of them it is charged, not only that they are inconsistent with a scheme of theoretical perfection, or with the system which we would establish if our choice were now free, but that they retain within them the seeds of the evils of which they are intended to check the growth.

The suggestions indeed of Mr. H. appear to be of a different description; in proposing to restrain the power of *Magistrates*, he intends I presume (for otherwise the proposition would be negative) to exclude from the grant of relief persons who according to modern practice and to the view of the Poor Laws generally entertained, are accustomed to receive it. Mr. H.'s idea is one of those which I shall endeavour to carry into effect; but it is surely impossible to justify, otherwise than by condemning the general principle of the Poor Laws, as commenced by Queen Elizabeth, a measure which shall deprive the pauper of any other security for parochial assistance, than the will, or the judgment, of those at whose expense it is afforded.

I fear, then, that we cannot hope to palliate existing evils, or remedy particular abuses, without reference to the theory of the system from which they spring. If our palliatives leave the principle in operation, they will be effectual but for a moment: it would surely be impolitic, perhaps unjust, to abandon that principle, unless we either provide other means from which the poor may derive an equivalent benefit, or satisfy ourselves that the principle itself is impracticable, and that the attempt to secure an unlimited population against want, is vain and presumptuous.

A specific proposition indeed to this effect is likely to be brought before us.

Such being the state of our deliberations, I shall venture to connect with my suggestions for the amendment of our system, my view of the principles upon which our systematic relief of indigence may fairly and safely be governed.

It will, I presume, be acknowledged that the wholesome state of society would be that, in which, however numerous and distant the gradations of condition might be, it should be in the power of every man, by the exertion of honest industry, independent of public relief, or even private charity, to provide sustenance for himself and his family, in infancy, sickness, and old age, as well as in health and manhood.

However it may be, in a society which we may form in imagination, I believe that it will be generally admitted that the accomplishment of this state of things is in England nearly hopeless. One of our Members indeed (Mr. C.) did I think give it as his opinion that a man might from the earnings of early labour provide for a future family, but I believe Mr. B.'s to be the general and the correct opinion, that wages cannot possibly be so arranged, as

to enable the labourer, even though he should not marry prematurely, to provide for a family at all large, in the years of helplessness, and under all the various circumstances of distress.

Against old age, perhaps, the bachelor, or man with no children or few, may with a little foresight, easily provide;—against sickness too, it may be alleged, that a man may, by entering into an association with others, also make some provision; but for the maintenance of children more than a few, he cannot, by saving, make any adequate provision, nor can he even secure himself against the effect of sickness, unless he have at a very early period commenced his contributions for that purpose; for the assistance afforded by the voluntary associations to their members when incapacitated by sickness, must either be too scanty, or must be withheld from all whose entrance into the society has not taken place at an age of health and vigour. Those too who are originally incapable, are obviously as much debarred from any such advantage, as from profitable labour.

Indeed the extreme difficulty, if not impossibility, of any approximation to certainty in calculation, renders all institutions founded upon that basis, at the best, but precarious securities.

No attempt to provide, through similar associations, for an uncertain and unlimited number of children, has I believe ever been made; and though it is true, that a contingency of this sort, upon a very large scale, is susceptible of a much more easy calculation than the occurrence of sickness; yet upon a contracted average, there would be the highest probability of a ruinous falsification of any tables which could be constructed.

In the cases already put, I have considered the able-bodied man as earning at least subsistence for himself; but he cannot always be certain of the opportunity of procuring that exchange for his labour; we must consider therefore the case of an excess of labourers beyond the demand for labour: which excess may be produced; either by the too rapid growth of the population, or by the sudden cessation of some effective cause of the demand: and this last may be regarded also, either as producing a general excess, or an excess of workmen in any particular branch of industry, such as will not admit of the persons engaged in it, easily betaking themselves to another equally lucrative employment. Individuals indeed are always subject, through the fluctuations of trade and politics, and the capriciousness of human conduct, to occasional deprivations of employment.

There are several circumstances under which persons in the lower classes may be, and are every day, without absolute vice or profligacy on their part, reduced to want:—and then comes the question, whether the necessity created by all, or any, or which, of these circumstances, ought to be relieved from any public fund.

Our Poor Laws, as generally administered, afford relief in all of them, and afford it moreover in that other case in which, having at some period of his life, remote or recent, possessed the means of securing himself against want, a man has improvidently, or even viciously and profligately, neglected to make use of them.

And here occurs another point of consideration,—whether marriage without due regard to the means of supporting a family is to be classed among the cases of vicious improvidence.

The view which I have taken, I think you will perceive, connects itself immediately with the proposal made to us by Lord C. for classifying the Poor for the purposes of relief, but it demands the previous enquiry;—upon what principle is the compulsory relief in any case afforded to them? and whether there be not evils and miseries, resulting from that apparently benignant system, greater than those which it alleviates.

And thence an argument arises, operating with more or less force against relief in every one of the supposed cases.

If the most dreaded and most extensive of evils be an excessive Population, and there be no means of checking its growth but by the pressure of want, and consequently any system of relief tend to promote it; we ought in strictness to permit that pressure to operate without restraint, whether through sickness, the helplessness of age or of childhood, or through any other disability inherent in or incidental to human nature.

A similar conclusion must be drawn from a conviction, if it be entertained, of the *injustice* of taxing property to support indigence.

No man among us perhaps goes so far as to adopt either of these supposed opinions as a present rule of action, but both have been urged upon us; and although, whether we reject them altogether or only establish the present inexpediency of acting upon them, our course may appear to be the same, I conceive that there will be an essential difference;—in the one case we shall afford relief sparingly and grudgingly to the existing generation, and deprive of it all claimants hereafter to be born; in the other we shall merely retrench present abuses,—drawing a line of distinction between the fair and the encroaching claimant to relief, and regulating its mode and limit.

Now in the first place, with respect to the sanctity of the Law of Property, which is said to be such as to supersede all claims of the Poor, however originating in or supported by the Laws, I own that if I correctly understand the position, I dissent from it.—Our system may be impolitic, but I cannot perceive that it is obviously absurd and unjust. It appears to me, on the contrary, that if Society necessarily admits of every imaginable degree of wealth and indigence, a rule providing that the very lowest shall

be protected from destruction, by a contribution from the others, is, on the first blush, wise and equitable. Experience may teach us the practical ill effects of such a rule upon our moral system, or its impracticability, may be demonstrated on the principle of Population, but as between wealth and poverty I cannot admit its injustice.

Perhaps it is only meant, that when there is a danger that the claims of the multitude are so numerous as to threaten the destruction of Property altogether, then those claims must give way.

If the question be thus one of degree, and the sanctity of Property be adduced in argument only in a supposed case of extremity, I need not now enlarge upon the grounds of my belief; that the disproportion cannot be progressive; I shall sufficiently satisfy those by whom that argument is now brought forward, if I provide upon whatever inducements, checks and limitations to the growth of the encroachment.

But it has been proposed to us to establish such a limitation, with reference neither to a proportion between the property and the charge, nor to the origin or validity of the claims, but to a specific amount, (whether that at which the tax now stands or some other) which is in no case, under whatever pressing urgency, to be exceeded.

Such a principle certainly I am not prepared to admit; to me, the proposition of Mr. Malthus, for excluding the children of future marriages, seems reasonable and just, in comparison with one which would refer the compliance or non-compliance with the poor man's claim, not to any circumstance or procedure on his part, but to a standard entirely unknown to him, and totally unconnected with the merits of his case.

I own that the unfairness of this proposition overcomes in my mind, the force of a suggestion (made I think by Mr. M.) that this or any limitation, if now only determined upon, to take effect at a perhaps distant period, would operate, not directly upon individuals, but by creating so strong an inducement to a more salutary administration of relief, on the part of Magistrates and Parishes, as to effect its purpose gradually and easily. There is value in the suggestion, but I cannot adopt it.

I shall not embark in a discussion of the great questions agitated by Mr. Malthus; but I must venture to say that I am not sufficiently satisfied of the correctness of his view, to adopt it as a rule of action; I am not convinced that the growth of Population will so far exceed in rapidity that of Subsistence, as to produce an extensive destruction of human beings for want of food.

I allow that the course of Population and Production respectively, will be such as to produce an occasional, if not constant,

pressure of the one against the other, occasioning a degree of human misery much to be deplored. But I am inclined to adhere to the doctrine which teaches us, that the evil carries with it a remedy as certain and effectual; as any which we can devise;—that the circumstances which produce or accompany the rapid increase of numbers, operate in themselves as checks upon that increase; and moreover, that those numbers tend to multiply the productions of the earth, so that there is a constant struggle between the Population and the Subsistence, in which victory will for ever be doubtful.

I believe then that the danger of famine, occasioned by an excessive Population, is not one of which the apprehension need deter us from increasing, to the utmost of our power, the sum of human happiness; in other words, that we may continue to alleviate, as far as in us lies, the never-ceasing miseries of humanity, without fearing that in so doing we give a bounty upon the production of beings for whom no food will be found.

I state these views with real diffidence, for I see and feel the intense difficulty of the subject; but I own that they are views which I am very anxious to satisfy myself in entertaining, because they tend to reconcile me to the order of Nature, and because some of the measures suggested by an opposite view are repugnant to feelings which I am solicitous to indulge.

This repugnance, I am quite sure, is felt by Mr. Malthus and all who follow him just as strongly as it can be felt by his opponents; between the *individuals* there is no difference, and all that I say of the *systems* is, that if one be more congenial to the feelings which one loves to cherish than the other, it has a claim to favour, only to be overcome by a very decided and confident opinion of its evil tendency.

But although the apprehension of a famine need not deter us from the systematic relief of indigence, it does not therefore follow that the State is to undertake that relief, without any regard to its circumstances or origin: most powerful objections would still lie against the Poor Laws even though the doctrine of population had not been heard of.—Upon the immoral tendency of the system, I shall not dilate; it has been urged with force and eloquence, and is felt by us all. A very slight allusion is sufficient, as an introduction to the consideration of the proposed remedies.

By teaching a man to rely on his Parish, rather than on his own exertion, the Poor Laws encourage idleness and remove the natural inducements to foresight or economy; thus repressing the virtues most conducive to a man's happiness, as well as to the peace and prosperity of the state. They create a relation between rich and poor, which has the vices only of that connection; the ministration

to the wants of a fellow creature, which is one of the most delightful of duties, becomes under the Poor Laws a process, hurtful alike to "him who gives and him who takes."

An application for parish pay, is, something between a demand and a supplication, and has not the salutary qualities of either. It is urged neither with conscious independence, nor humble reliance; it is not granted through benevolence nor received with gratitude.

It has been imputed to our system by Mr. B., (and I believe correctly) that while to the pauper it stands in the place of industry, in the class next above him it replaces genuine charity. It has interrupted the wholesome intercourse between the ranks of Society. The natural and useful feeling of qualified dependence upon the higher classes,—upon the great landlords in particular,—is not superseded in the peasantry, by a bold and ambitious spirit which brooks no controul and is patient of no dependence; were that the new relation, it might possibly be questioned whether the change were for the worse; but the feeling created by the Poor Laws, is one of sullen insensibility to shame,—a dull, unmanly, and unsocial sentiment.

I feel strongly, that on the ground of social justice and equity, the claim of the Poor to the sort of relief which the Laws afford them, may very fairly be denied.

The effects of native misfortune are felt, more or less severely, in every class of society; in every class, a man is liable through accident as well as through his own inconsiderateness to be reduced to a lower rank in the scale. A want of due exertion, or an imprudent enlargement of family, every day deprives an individual of the means of supporting himself in the situation in which he has been bred; nor are the cases at all infrequent, in which men of very respectable condition, can only maintain themselves therein, by sacrificing their comfort and doing violence to their best feelings.

Marriage and the birth of a numerous family, are operating in this way, daily, and amongst persons of nearly all estates and conditions.

But it may, on the other hand, be allowed, that a similar process, operating upon an individual in the *lowest* of conditions, will obviously reduce him to actual want; and if his indigence be occasioned by the number of his children, *they* must perish, who are innocent alike of vice and imprudence. This indeed is a fearful conclusion; it is one however in which, on the principle of choosing the least of two evils, a perfect conviction of the more extensive misery to result from an excessive population must produce a reluctant acquiescence; but to which nothing short of that perfect conviction would easily reconcile the mind. Yet, however naturally and laud-

ably we may be shocked at the idea of leaving a helpless being to starve, or of permitting a human creature to suffer, unrelieved, the miseries of old age, or sickness; we shall find perhaps, in following up the history of human life, that it is not amongst paupers only that there is occasion for these melancholy reflections. It is not with persons in the very lowest condition only, that the effects of poverty are felt, in the aggravation of bodily sufferings, or even in the acceleration of death; and it would not perhaps be harsh or unfeeling to observe, that in persons and families of the superior classes, the mental sufferings under any of these circumstances are infinitely more acute and bitter.

These considerations, however, I shall not push to the length of withholding all public relief from the pauper; in suggesting limitations I shall give them much weight: but not being fully satisfied of its injurious tendency, I am not prepared to give up a principle in the laws of England, which in its motive, at least, and apparent tendency, is eminently charitable and benignant.

Perhaps what I have said may be considered as applicable only to the helpless, including among them the children of able-bodied men, whose entire exertions are insufficient for the maintenance of their families; I have already alluded to another very important question arising out of the inability which the people may be under to find a scope for the industry which they are willing to exert. This question is not the same as that which arises out of the respective marches of population and subsistence; since a constant, or at least an occasional excess of workmen beyond work, may exist without any deficiency in the food required for subsistence. It may perhaps therefore be said, that though the apprehension of a want of food, be not sufficient to condemn those encouragements to population which are afforded by the Poor Laws, yet that this excess of labourers, thus necessarily producing an increase of paupers, is a valid reason for checking the increase of the people. But upon this it may be observed, that as the demand for labour of all descriptions, and of every description, is necessarily fluctuating, the supply must fluctuate also,—there must inevitably be an occasional deficiency or an occasional excess.—Attempts to supply the deficiency will produce the excess; attempts to check the excess may produce the deficiency. It may be assumed that an exact proportion between the demand and the supply, of labourers as of every thing else, is utterly impracticable; and that we must reconcile ourselves to frequent variations. These variations too, it may be said, will sometimes be sudden and considerable, so that no reliance upon the tendency of supply to level itself with demand, will relieve us from the intermediate occurrence of a disproportion.

The evil is incurable and must be borne; I believe however

that it might be said to carry in itself and in its connection with production, some palliatives;—but I am anxious to quit a topic, of which I strongly feel the difficulty. I will only say that the individuals who may at any time compose this excess of labourers, are not necessarily the products of improvidence, or the illustrations of an erroneous view of population; they are frequent and large contributors in exertion, skill, and blood, to the prosperity and safety of the state, and it may be as politic as well as inhuman to abandon them.

Distinctions however may be taken between these and other objects of relief. *Emigration* may be mentioned as a resource; and a mode of relief may be proposed not applicable to others, namely, the provision of Employment; so that the relief afforded may be inexpensive or even profitable to the public.

As to emigration no measure has been proposed, nor have I one to suggest; I believe that, to a small extent it might be usefully encouraged, but not that it ought to supersede other means which we may think politic for enabling the poor to obtain maintenance. The policy of providing work for those who are without it has been warmly contested among us;—I have already said that relief given in this way as well as in the other is objectionable upon the favourite principles of population; but having taken the liberty of rejecting those principles, I need reason only to the objections which have been forcibly applied by Mr. G. to the excessive and unnatural increase of the produce of labour whether in manufactures or agriculture. The bearing of this objection upon manufactures has been admitted to be more obvious than upon agriculture; I confess, that in regard to agriculture, I have doubts whether, under judicious management, the objection holds.

I find, I own, with Sir T. A. some difficulty in reconciling the supposed mischievous tendency of an accumulation of labour, in cheapening corn, with the alleged grievance of redundant population; but I cannot argue this point without prolonging this letter by some remarks upon the *Corn Laws*, and perhaps stating some heretical opinions upon that subject.

I am at present rather inclined to adopt the view of Mr. H., who considering the deficiency of demand for labour to be temporary, and highly estimating the utility in a national view of making work the condition of relief, is disposed to overlook the systematic objections.

Closely connected with this subject, is a practice which has attracted particular attention, as one of the most objectionable of modern innovations:—the practice of making such allowance to the labourer, as together with his earnings (and those of his wife or children, if there be any), may make up a sum competent, in the opinion of the Officers or Magistrates, to maintain a family of the

size which may happen to belong to him. This allowance, is generally calculated according to the price of bread, so much being allowed for each adult; and for each child.

In some parishes, I believe, the wages paid even to a single man, have been, at times, thus made up out of the Poor Rates, the farmer agreeing, on those terms only, to employ him.

Now, it is very desirable to be noted, that what has been said in favour, or if you please, in *pollution* of the system of maintaining the large family of an able-bodied man, does not justify the practice of making the relief a component part of the wages of labour.

That practice, in addition to its operation in destroying the shamefulness of Pauperism, by making every man familiar to it, has in it the further evil, of making it nearly indifferent to a man what wages he earns. He has no inducement to obtain, through good conduct or great exertion, more than the lowest recompence for his labour; since the difference between languor and activity will make none in his receipt, only transferring a few shillings of it from one fund to another.

The practice is said to have begun, at the period of a great rise in prices, and it is urged in its defence, that in no other mode could a proportionate rise in wages have been avoided; a rise, which would have rendered them equal to the support of a numerous family, whereas now, it is contended, wages are kept down to the wants of a single man, while by the modern device, the family man is also provided with a sufficiency.

In addition then to the practical objections which have already been stated, it may be urged against this system, not only that it is an interference with the price of labour, greatly injurious to the young and prudent man, who, if wages were higher, might earn additional enjoyments; or provide for future wants; but that it imposes unjustly upon one man, the maintenance of the labourers whose work is performed for another; and this, not only as between one employer of labourers and another (it might then be urged, though incorrectly, that a level would be found), but between those employers, and the rest of the persons assessed.

If it be said, that any plan for imposing upon parishes the charge of the children of the Poor will be liable, in some degree, to this last objection, unless all descriptions of property be assessed, I must, I fear, confess that I cannot entirely resist that conclusion: but on that great question, I shall not, in this letter, enlarge, — Hoping that what we do independently of it, may at least serve to diminish its importance.

I hardly know whether it will be said, not only that this system of maintaining the children of labourers is hurtful, but that the necessity of its introduction shews it to be unnecessary, and suggests

an obvious and easy cure ;—that we have only to abandon modern innovations, and return to the state of comparative soundness, in which we were twenty or thirty years ago.

If to this it should be answered, as it probably will, that the Country as now situated, in respect of Population, Labour, Production, and Prices, is not susceptible of the system of thirty years ago, such a statement may perhaps be used by the Political Economist as demonstrating the viciousness of the whole modern policy, especially with reference to the principle of population ; but without intending to justify the whole of that policy,—indeed I have pointedly condemned parts of it,—I cannot avoid observing, not only that the period complained of has been one of unusual prosperity as well as exertion, but that during the greater part of it we have had need of probably the full extent of our population, and have had occasion indeed to lament, in some branches of employment, rather a deficiency than a redundancy : nothing therefore, in our recent history, will affect the conclusions which I have ventured to adopt, as to the apprehension of an excessive population.

It must be admitted, however, that a more practical objection might be urged against all schemes, for relieving the poor man from the charge of his children ; it might be said, that by withdrawing this assistance, you would cause wages to rise, and thus remove the burthen to the shoulders of those to whom it belongs—the employer in the first instance, ultimately the consumer.

This objection, I own, is so congenial to the general opinions which I entertain in favour of a free and unartificial policy in Trade, that I use, with hesitation, any argument in opposition to it.

But it may be said—that at the present time a corresponding rise in wages would *not* be the consequence of the denial of Parish Relief ; or, that if it were, the number of persons *wanting employment* would greatly be increased ; and prices at the same time raised, to the great derangement of our domestic and foreign economy ; these, and other considerations applying to this country at this time, as well as the general unwillingness to make sudden changes, will probably reconcile us to the present adoption of a palliative only.

I have now stated, at much greater length than I intended, and with much less order, my views of some of the most important principles upon which, as it appears to me, our measures ought to be founded.

I trust, nevertheless, that you will understand the nature and objects of the suggestions which I shall propose or adopt.

You will perceive, that I do not think it expedient either to abolish now, or to condemn by any enactment or recommendation

from the Committee, the general system of our Poor-Laws;—and that I am not prepared to proceed upon the principle of checking Population by the discouragement of marriage.

But that, deeply impressed with the practical evils of our system, and satisfied of the reasonableness and necessity of subjecting Improvidence to a moderate pressure, I am inclined (according to your suggestion, Sir) to check and controul by "an union of small measures," the dispensation of relief.

These measures, however, it is my plan so to arrange, as that while they are for the present only *palliatives*, they may all have a tendency towards a more complete Reform, either, by the future abolition of the whole system; or by the gradual introduction of habits by which its necessity may be at last superseded.

It is especially my view so to separate the different descriptions of poor men, as to give to the industrious the facility of an honourable maintenance;—and to restore the *shamefulness* of pauperism, where shame ought to be felt.

With this intention, I would facilitate and ensure to the frugal man, the means of making provision against want, and for the maintenance of his family, without descending into the character of a pauper.

But I would greatly narrow the relief given to the idle and the profligate; and would endeavour to place the pauper in a condition both as to moorae and comfort, always beneath that of other peasants or artisans, maintaining their own families; so that pauperism would always be a *desert* in the scale of society.

But I would not consider or treat as Paupers in this sense, either those who labour under permanent natural incapacities, or those who have contributed a fair portion of their earnings to a Friendly Fund.

With this view, I propose, as you know, to guarantee the Contributors to such Societies against the effects of miscalculation and abuse in the formation and management; by providing that any deficiency in the funds for fulfilling the promises held out by the establishment, should be made good by the Parochial Assessments.

To this extent, I flatter myself, you have expressed yourself favourably of my suggestion;—it is now my purpose to conciliate you towards the further extension and application of the principle.

I am prepared not only to engraft upon the system of Friendly Societies, a provision for children; but to admit into its benefits those persons now living who have not earned them by former contributions.

It is obvious that these branches of the plan, rest upon different grounds and are liable to other objections than the simple guaranty of the Societies, as ordinarily constituted; but I have a

strong persuasion that the plan which I propose affords the readiest means of combining with the mild and just treatment of the existing Poor, the future discouragement and discredit of Pauperism.

I need not enlarge upon the tendency which all such Institutions have, to lighten the burthen of the Poor's Rate. They operate to that end in more ways than one. In the first place, they provide from sources which would otherwise supply the calls only of profligacy and extravagance, a fund from which Poor Men receive the relief which they would, under the least profuse administration of our laws, derive from the Parish; and they give to the poor man a habit of saving, which is likely to encourage in his mind that love of independence, the loss of which has been confessedly one of the most operative causes of increased Pauperism.

It may be useful, then, to give to the habit of relying upon Friendly Societies, even a forced, and perhaps in some degree fallacious encouragement. We may, I mean, be justified in giving to the savings of the Poor an effect, more largely and certainly beneficial than those savings can of themselves produce.

It is true that whatever sum a parish contributes to a Friendly Society, will be so much parochial relief afforded to its members, each of whom may be correctly said to be, for so much, a burthen upon the Parish; and that I have already admitted the desirableness of a reliance among the Poor upon the unsold produce of their earnings.

Of that object I would never lose sight;—but in the mean time, you will bear in mind, the practical question *at this moment* is, whether to make up the deficiencies of a Friendly Society, or to supply a man's wants wholly and directly from the Poor's Rate?—whether to afford a relief, limited and conditional, or to give it, as is now the case, profuse and almost indiscriminate?

For I may observe by the way that the only condition according to which relief is now limited, is precisely that which ought to be avoided; namely, actual earnings;—the amount of which, and consequently the conduct and exertion of the man, thus are matters nearly of indifference to him.

According to me, the amount given through the Friendly Societies could not, by any possibility, be greater than that of the Parochial relief; and it could hardly fail of becoming every day more considerably less.

This remark applies particularly to the proposal respecting Children. My reasons for admitting numerous families as a ground of relief or rather for considering children as entitled to relief by reason of their helplessness, are already before you: the most decided opponent of that policy must admit the superiority of my

plan for maintaining them through Friendly Societies, to that, not which ~~he would establish~~, but which *now prevails*.

It would, however, so far discourage improvident marriages as to confine the allowance for children to those parents whose contributions have continued for a certain time, or amounted to a given sum.

Although, then, it would be the permanent principle of my plan that allowances for children should be consequent upon, though not exactly proportionate to, the Contributions of the Parent, yet, at present, I would enrol at once, as Members of the Society, all industrious persons who may desire it: and I would give them the allowance for children, on their consenting to make in future, the stipulated contribution.

In like manner the old and the disabled would be admitted at once into the benefits of the Society; the latter however would be liable to future payments, in case of a return of bodily strength; and a failure in this respect would at the least debar the defaulter from any subsequent indulgence.

Let it not be objected, that these are operose methods of making allowances, which are now paid by a simple process, from the Poor's Rate. A slight consideration, I trust, will exhibit the difference, and the superiority of the mode proposed.

By teaching the Poor to look to a fund composed, though in part only, of contributions from the Poor themselves, instead of relying upon the Parochial Rate, we shall facilitate the gradual supercession of that reliance from which so much acknowledged evil has resulted.

This we shall effect, not only by the indirect operation just mentioned, but directly by the gradual introduction of a principle, under which no capable person will be relieved, except in proportion to his contribution.

The distinction which is thus established as part of our future system, between the vicious and the innocent claimant, is applied through my suggestion to the existing Poor; we introduce at once the classification which has been recommended to us, relieving from the shame of pauperism all those who are reduced to that state by occurrences truly unavoidable, or by the temptations which our own system has held out to them. We enable ourselves to relieve the unfortunate, according to the dictates of humanity, while we avoid or greatly limit the evil tendencies which, under the present system, belong to the indulgence of Public Benevolence. We cover with obivion former improvidence, and our liberality, ceasing to afford temptation to idleness and vice, becomes an incitement to sober and moral behavior.

I have said, that a state of things, in which the Poor may rely

upon the produce of their earnings, unaided by any public fund, is an object of which we are not to lose sight;—but I have also stated my apprehension, that it is one which, if not demonstrably impracticable, we shall at least never accomplish. I have, on the other hand, admitted that we neither can nor ought to endeavour to avoid altogether the pressure of want, and that in our present system we do carry the attempt too far.

The detail of my scheme, I trust, will be found consistent with these principles.

I shall first adopt as the basis of the Constitution of the Society, tables of payments and allowances adapted to all situations and contingencies. The allowances or benefits would not be, nor in my opinion could they be, arithmetically proportionate to the payments; they would indeed rather be formed upon the idea of an Insurance Office, of which the managers should set out with a certain expectation of loss.

The benefits would be fixed, in the first instance, chiefly with reference to the allowances now granted from the *Poor's Rates*, but, perhaps, always somewhat below them. Neither receipts nor payments should be regulated by the earnings of the Contributor;—they should be stipulated weekly or monthly contributions and allowances, such as those now made in Friendly Societies. It would be quite foreign to the principles of my suggestions to interfere with or even inquire into the receipts of any individual,—excepting when in the case of *partial* disability, such as to entitle a man to a portion of the sick allowance, resort might perhaps be had to his earnings as a test of the degree of his incapacitation.

I shall not attempt to ascertain, by any mode of calculation, what ought to be the rate of contribution in order to entitle a Member to any given benefit.

I should be inclined to extend the benefits of the new scheme, however superior they avowedly are to those derivable from ordinary Societies, to all persons contributing at the rate adopted in those that are considered as well-regulated and flourishing Clubs. Thus, for *two shillings* per month, or *sixpence* weekly, (which is the rate of the *Bushey Club*) I would guarantee to the Members, not only the allowance in case of incapacity made by that Club, namely 12s. for total, and 6s. for partial incapacity, but an allowance, in *old age* (perhaps after 65 or 70) whether attended with incapacity or not; and what is most important, a weekly allowance for each child above a specified number, and of a given age.

The rate of this allowance, as well as of the others, and the number in family which would entitle a man to receive, would vary in different districts; the *Bushey* rate I have merely given

by way of illustration :—all that I deem essential is, that the payments should be made according to a fixed and general scale, and not according to the circumstances of individuals.

There should also be a stated allowance for a sick wife and for a widow.

The disproportion of these benefits to the contributions is evident; it would exist, I apprehend, even without the allowance for children; for it appears that in Clubs prudently managed, although there is a scale of admission for all ages up to seventy, it is found necessary to exclude all candidates of more than thirty years of age.

I am now to state the limitations under which these benefits are to be granted; and therein to explain the mode in which we are gradually to approximate to a system of comparative independence.

The allowance for *old age* I would give to all persons who have now attained it, or who may attain it within one, or perhaps two, years from the commencement of the scheme in their respective parishes; and to all persons attaining the specified age, who may have contributed to the Fund from its commencement, or from any period within the first or second year of its operation, and also to all persons who may hereafter have contributed for five years.

The allowance in case of sickness or impotency would be given to all persons becoming Members within one year from the commencement, and to all persons who may hereafter have contributed for five years.

The allowance for children would be given to all those who may become Members within one year from the commencement, and to those who may hereafter have contributed for years.

I do not venture here to specify the number of years of frugality and providence which ought, in future, to entitle a man to an allowance for his children. The admission of new, now married, to a benefit of that description, would in most parts of the country be attended with no expence, even though no contributions were brought in aid; for with them the difference would only be, that they would receive from the Society the allowances, which they now receive from the Parish. I would give them at least one year for making their option, that the system might be fully understood.

Objections might possibly be made to permitting single men, entering within the first year, to partake of the allowance for children, as soon thereafter as their families might become sufficiently numerous; but I propose it as an inducement to early contributions. Those who omit to avail themselves of the opportunity, should be admitted upon harder conditions.

The adoption of a longer or shorter term of previous contribu-

tion must depend upon the degree in which we think it right to discourage early marriages, among those who have not secured the means of providing for their families.

I own, that although I have admitted it to be reasonable, that, in the lowest as in all other ranks, a man should feel the inconveniencies of an improvident marriage, I fear that discouragements to marriage, in that lowest rank, have in a peculiar degree the vicious tendency which must always belong to them, and that females in particular are exposed by that system to moral as well as worldly degradation. And I suspect, that unless any system of discouragement were accompanied by a much more harsh treatment of illegitimate children than such as the Committee seems disposed to adopt, its effect in checking population would be less considerable than its advocates expect.

But I am anxious in this place, not so much to enforce upon the Committee any favourite course, as to impress upon them the facility which, in this most important and disputed point, the scheme affords; of improving our policy, if it be now erroneous.

If we should be minded hereafter to act upon the principles maintained by Mr. *Matthus*, or by our colleagues Mr. *G.* and Mr. *L.*, we shall have only to introduce a new rule into those under which new Members are to be admitted into the Friendly Societies. This alteration might be made with perfect good faith; for though the Parish and the Law must be deemed to be under a solemn pledge to the Members of the Societies, to make all the payments promised in the Rules and Tables, there would be no pledge to the rest of the people. But whatever may be the period required by the existing rules, it would be fair and just to give a corresponding notice of a new regulation. Thus, if at first we say, five years' contribution shall give a claim to the allowance, and we wish to extend the period to seven years, we must declare that no person admitted after the expiration of five years, will be entitled to that allowance till he has contributed for seven years. Thus no person who, on the faith of the Tables, has begun to save, will be excluded from the full benefit held out to him.

If it should be thought more desirable, nothing would be easier, than in like manner to declare, that no person *unmarried*, at the period of the declaration, who should be *thereafter* admitted into the society, should have the allowance until after a longer period of contribution.

Thus it appears to me, that any resolution for depriving of parochial relief the children of future marriages, may be much more easily carried into effect, through these societies than by any more direct proceeding.

This leads me to another ground upon which to recommend my

plan, namely, that in holding out to the people fair and reasonable conditions of escape from pauperism, we may more equitably and conscientiously take such methods of increasing the pressure and disgrace of that condition, as a sense of its consequent evils may urge us to pursue.

Upon this principle I would at once adopt Mr. B.'s suggestion for giving to the parish officers a power of refusing to make any allowance for a child, without requiring that such child should be separated from the parent, and placed in a workhouse or school of industry.

Against this suggestion it has been urged, especially by Mr. B., that the deprivation, if intended to operate as a punishment, would be severe and undeserved; if not operating as a punishment, it would be ineffectual for its acknowledged purpose: it would neither induce the labourer to use greater exertion in the support of his family, (which however might be impossible) or deter him from marrying.

I own that I am inclined to support Mr. B.'s proposition, even as a single measure; the separation, I think, cannot be regarded as a punishment, but as an instance of that moderate pressure which must be felt in all numerous families, and which has an extensive operation, in this particular mode, among the middling classes.

But the facility which my suggestion would afford to the poor man, of avoiding this pressure, removes I think much of the harshness of the proposition, and I should therefore decidedly recommend its application to all those who, having the opportunity, omit to avail themselves of that facility.

Mr. B. has also urged, the difficulty of providing in all cases, fit places for the reception of the children; upon this point I would propose, that where no such place can be found, the magistrates should have a power of ordering pecuniary relief for the child, but to an extent only *something below the lowest allowance from the Friendly Society*. In such case no relief should be given, where the number of children maintained by the pauper is under that, which, if he were a member of the Friendly Society, would entitle him to an allowance.

The amount of the allowance for children from the Friendly Society, would, of course, have no reference to the amount of the parent's earnings. As to the pauper, reference should be had to the earnings, so far only as to effect a *diminution* of the maximum allowance:—the payment in that case being justified by necessity only, must be strictly limited according to its degree.

To a pauper, claiming relief either for himself, or his family, it should be a sufficient answer for an overseer, when before the

magistrate, to prove that the man had at any time within a limited period (perhaps a year) been in the habit of earning so much as to have enabled him to provide against his present want.

In aid of this proposition, I would give, according to the suggestion of Mr. M. and Mr. R. S., a power to the overseer to grant, and, in the last mentioned case, to the magistrate to order, an allowance with condition of future repayment, the disobedience of which order on the part of the man, should be punishable, as that of an order of maintenance; but I would not consider the receipt of this advance as pauperism. It may be said, that this provision would deter the man from exerting himself to earn, in summer, the high wages which would thus deprive him of relief in winter. But, (not to mention that he would thereby leave more work to be done by his neighbours,) this check must be taken in conjunction with all the others; and the effect of this wilful idleness would be, not that he would have in winter pecuniary relief, but that he would be set to labour, not of his own choice, and to which *even now* some sense of degradation attaches, at very low wages.

In process of time, perhaps, we might go farther, and let the proof of wilful idleness, at a period in which work had been manifestly in demand, operate also in bar of the man's claim.

Upon the principle of limiting pecuniary relief to necessity only, I should certainly propose, whether the Friendly Societies be adopted or not, to take away the power very recently given to magistrates (by Act 55 Geo. III. c. 137. §. 4) to order relief to be paid for longer periods than one month.

I would not interfere with the present rule of law, which forbids any appeal from an order of relief, lest in the interval the pauper should starve;—but it occurs to me to suggest, that a parish might have a power of requiring any Justice by whom an order shall be made which the parish thinks objectionable, to state the case at the Quarter Sessions, for the opinion of the Court, by which, in future orders, the Justices would be governed.

Perhaps it might be useful in checking the levity with which relief is granted by Justices, were the concurrence of two Justices necessary for the renewal, after the first period of a month, of any order to which the overseers shall have at the time objected.

The orders to which I refer, are those which are made for the relief of the helpless; and especially of the children.

I have already stated my concurrence in the general proposition for making work the condition of relief with those who are able to perform it; but I am not prepared to suggest any practical measure for the universal provision of work.

I should therefore be content with an enactment, that where an overseer shall satisfy the Justice, that he has offered the pauper rea-

sonable labour, at a rate of wages, lower by not more than one-seventh, than the current rate of ordinary labour in husbandry, no order of relief, should be made.

The present laws, I apprehend, furnish most of the facilities necessary for enabling the overseers, in conjunction with the magistrates, to provide work; but, unless the principle of relieving through work be altogether condemned, it would certainly be desirable to extend those facilities to the utmost, and particularly, Sir, according to a suggestion to which I know you to be favourable, to create a power of establishing parochial farms.

A man relieved through work, should, I think, be a pauper, as it is certainly desirable to discountenance a reliance upon the parish even for that mode of relief; but, if through frugality he should have made himself, and continued to be, a member of the society, he should be exempt from that disgrace.

I think that I have shewn, that my Friendly Societies will be highly beneficial to the poor, as compared with the Poor Laws, with the proposed restraints on their administration; and although I am aware that the facility of obtaining relief from the rates, has in some degree brought the present societies into disrepute, I trust that even without the imposition of those restraints, we may impress upon the poor the superiority of that mode of providing for their wants.

But, in what way are the societies to be now formed upon the new principle?

I am not desirous of imposing the Friendly Societies authoritatively upon the whole country; I would leave to parishes the option of adopting or rejecting that mode of relieving their poor, and to individuals the alternative of securing themselves against pauperism, or abiding by its laws.

I am deterred by many considerations from proposing the general and compulsory adoption of the plan.

I do not think it possible for Parliament to frame any new system which would be applicable to the circumstances of all districts, and I am by no means so confident of the advantages of the plan proposed, as to expect that, in all parishes, it would be an improvement; I hope and believe that there are parishes in which a better system prevails.

Wherever the purposes of my plan are already answered, or nearly answered, by a less artificial scheme, its introduction would be an evil as great as any which it professes to palliate. Where a Friendly Society, unconnected with the parish, or a Saving Bank, has the effect of diminishing and discrediting pauperism among the people, so as to confine parish relief to cases of impotency, or of occasional need, and especially to avoid the mixture of parish pay with wages, that parish will not be improved by my scheme;

though some of my suggestions might probably be brought in aid of the present management. And I should deprecate any interference, not only with a Parish in which a comparatively sound system is already prevalent, but with any in which there appears at present a reasonable probability of material improvement.

Thus where a *Saving Bank* has been established, and the deposits from the labouring classes are regular and increasing, so as to give a fair prospect of a considerable diminution in the Rates, I should be most unwilling to prescribe any fanciful amendment.

Saving Banks and Benefit Clubs, if effectual for the purposes which my scheme has in view, are highly and unquestionably preferable to it. It is suggested only by a conviction that those institutions cannot be generally efficacious.

Saving Banks cannot meet all contingencies, unless wages are much higher than it is probable or perhaps desirable that they should be, and labourers much more prudent than can possibly be expected.

Benefit Clubs are more calculated to meet contingencies, because they bring the earnings of the healthy in aid of the sick; but if the whole produce of labour be insufficient for all the purposes which our system proposes to effect, no management can make up the deficiency.

These clubs, I fear, are on the decline, partly owing to this original insufficiency, and partly because, the shame of pauperism being removed, the rates are found to be an easier and cheaper resource. *Saving Banks* are in some places said to be quite out of the question, because there are no savings.

All that I desire therefore is to *empower* parishes to adopt my scheme, and to treat as paupers all the individuals who shall refuse to enter into it. I fear that in most parishes it would be necessary to establish a Society anew; as well because the clubs are not in general *parochial*; as because it would be unfair to alter, unless with the full consent of the members, the nature and constitution of an existing club. The new Society, therefore, must be established, and the rate of payment and allowance regulated, by the vestries, with the consent of two justices;—as long as the funds for the relief of the poor are *local*; neither the rules, nor the rates, must necessarily be similar in all different parishes.

The Society should take as much as possible the form of a voluntary club; its officers or accountants should be appointed or chosen from among the members, and paid from the fund. The orders for the grant of allowances must originate with the club or its officers, but must be countersigned by an Overseer, and in case of sickness must be accompanied by a certificate from the parish

apostates, or a medical man of whom the Overseers have approved.

The treasurer should, if possible, be a member of the club, but his books must be open to the inspection of the parish officers, to whom he must make requisitions from time to time for the necessary advances. The intercourse of the poor man himself will be always with the club, and not with the parish.

I am apprehensive, that notwithstanding all the substantial benefits to be derived from the new Societies, and all the pains that may be taken to reconcile the poor to them, they will not meet with early popularity. But I do convince myself, that they will either become gradually acceptable and effectual, or that in conjunction with the measures which have been suggested for narrowing parish relief, they will drive the poor into better habits.

As I would not compel a parish to adopt the Friendly Society, so neither would I compel a man to enter into it. The plan of Mr. C. and that of the bill printed at Birmingham in 1796, are in my mind objectionable not only as too systematic and general in their application, but as imposing a tax and interfering with income. It is a fundamental principle of my scheme, that the members of a society should be liable to no inquiry into their earnings;—that no such inquiry should be authorized, except in a case in which a claimant for relief stands before you in the character of a delinquent, and you are avowedly desirous that he should feel the pressure, which he has neglected the means of avoiding.

It is thus, rather than by any certificates or badges, which have formed part of former schemes, that I would make and note the distinction between the innocent and the criminal poor.

It may be asked, how much of the harsher treatment which I have recommended for those who neglect the opportunity of belonging to a society, is to be applied to those, from whom, however willing they may be, their parish withholds that opportunity?

I am not prepared to propose that there should be, any where, a power of compelling a parish to adopt the plan; nor can I doubt but that on the other hand it will not be, wisely, rejected by some parishes, which are nevertheless desirous of having some further protection from the law;—and on the other, that parishes may be averse to it, whose system nevertheless is not so good as to entitle them to that protection against the power of magistrates, which my suggestions afford.

Should Mr. B's proposition concerning the children, be thought too harsh when unaccompanied by my alternative, it might be enacted, that no order for relief in respect of children should depend on the police provisions, but be granted in "secondary"

amount than that given by the nearest Friendly Society (supposing one to have been established), or (if none) than such as may be established by the Quarter Sessions, and which shall not be increased without authority of Parliament.

The pauper in this case would be better off than the man refusing to contribute, inasmuch as to him, the allowance ordered must be less than that given by the Society.

The repeal of the clause in the Act of 1815, and the new provisions respecting work, and former earnings, may perhaps be general.

There are two propositions concerning *Saving Banks*, upon which I will here take the liberty of observing.

Mr. H., with the view of encouraging the poor to make and retain their deposits, has suggested, that a man who has, for a stated number of years, been a regular depositor, should be entitled to a *bonus* in the shape of increased interest. I am indisposed to this suggestion, by an unwillingness to alter the character of these institutions from that of a *Bank* in its usual sense. They were intended to give to the poor man as ready and secure an investment for his savings, at interest, as those have who have easy access to the public securities: the depositor ought to feel himself as independent, and as little under an obligation, in the one case as in the other.

Saving Banks, too, ought to furnish the experiment of what may be done by the *unaided earnings* of the poor. My suggestion proceeds avowedly upon the apprehension that those earnings are of themselves insufficient; and it might therefore be very expedient to apply Mr. H.'s suggestion to the Friendly Societies, by providing, that any man who has been a member for a given (but certainly not unconsiderable) number of years, without having made upon it any claim, or any claim beyond a certain point, should be entitled either to a sum of money or to a small annuity.

The other proposition is that which has already attracted much attention in and out of the House, and which, in my humble opinion, ought to be referred to our Committee. Mr. R.'s clause, I mean, for declaring that property vested in a *Saving Bank* shall not be considered as having the claim of an individual to be relieved as a pauper. This suggestion seems to me not only to be liable to the objection which I have urged against Mr. H.'s, but to operate against one of the leading purposes of the institutions themselves, which is to bring pauper relief into disrepute, and to contrast the depositor in a *Saving Bank* with the pauper.

It would moreover tend to place the pauper most unjustly, upon a footing of superiority to the poorer among those who pay the

rates, some of whom it is to be feared are even now more indigent than the man for whose relief they are assessed. To my mind, the operation of the Poor Laws upon that class is one of the most crying evils which they produce.

I have hitherto taken no notice of illegitimate children;—the Friendly Societies, of course, could take no cognizance of them; nor can I at present suggest any thing respecting them, except that their treatment ought to be, if possible, rather less favourable than the children of the lowest married parents. The subject, however, must come separately before the Committee.

Casual and Foreign Poor too, I merely mention by way of memorandum.

I shall now advert to one or two topics less immediately connected with the question of relief.

The alteration in the law of settlement, which, upon your motion, the Committee has determined to recommend to the House, will, I believe, be found to be an improvement; though it is certainly not free from objections.

Its effect perhaps will be most questionable, in parishes partly agricultural and partly manufacturing; where, in the event of a sudden failure of the manufactory, a numerous body of workmen may be thrown upon a district of a very limited extent; whereas under the present system, the burthen will in most cases be more widely diffused.

The simplicity, however, of the principle (even though the details should be more troublesome than we expected) and its consistency with an obvious and natural policy, are with me strong inducements for establishing it. The parochial establishment of Friendly Societies, will obviously be facilitated by a measure tending to identify the legal and actual settlement.

I think it very doubtful, whether any proposition will be discussed in the Committee, for assessing to the Poor's Rate, any other property than that which is now usually brought into charge; and I shall trouble you only with two observations upon that head;—first, that I most earnestly deprecate any *peculiar* tax upon the *Public Funds* for this or any other purpose; and secondly, that if all personal property were charged, and much of the fund therefore should cease to be *local*, the establishment through the means which I have proposed, of general rules of relief, would assuredly facilitate the execution of that great change of system.

The appointment of a permanent, or of an *assistant* Overseer, would in many parishes, no doubt, be highly useful, and a power to make such appointment ought to be given. In reference to Lord C.'s suggestion for adding to their power, an obligation to

make periodical reports, I shall observe that it has been suggested to me, from more quarters than one, that the accounts which the Overseers are required to submit to the Magistrates under the Act of 50 Geo. III. cap. 49, ought to be arranged in a settled form, and might be accompanied with any information which Parliament or the Sessions might prescribe.

I have now to apologize for the length, and I fear for the desultoriness also of this letter; I am fully aware, that it is not such as you expressed your willingness to receive from me; I have perhaps not only introduced topics upon which my opinion has no value, but have stated, with too little of method and precision, the suggestions to which the Committee was ready to listen.

This deficiency I shall endeavour to supply, by preparing some resolutions for effectuating my suggestions. But I shall not venture to propose them to the Committee unless the view which I have taken of the subject appears to accord with the sentiments of a considerable portion of its Members.

I can assure you that however much I may have seemed to regard with the partiality of a projector, the scheme which I have detailed, no man can be more thoroughly impressed than I am, with a conviction of its insufficiency; or more alive to the objections, theoretical and practical, which may be urged against my propositions. If I have appeared to expect, that I could counteract principles by machinery, I have, in the eagerness of statement, done injustice to my own opinions.

But I am not so firmly convinced of the truth of any of the principles to which our difficulties have been referred, as to be assured that by the pursuit or abandonment of one theory or another, those difficulties will be overcome.

I suspect, that there is a mixture of good with the evil; and that much of the mischief is connected with the causes of our prosperity and strength, if not with the defences of our freedom.

At this particular moment I believe that this is eminently true; or rather, perhaps, that we are now in a situation more sensibly to feel the noxious tendencies of the system, while its blessings and wholesome excitements are in abeyance.

I have much consolation in believing, that the "small measures" by which, under this impression, I propose to mitigate acknowledged evils, have no tendency adverse to the theories which I have doubtfully rejected.

I think it extremely probable, that in the course of my exposition, I may have appeared guilty of inconsistencies; and while I acknowledge that some of them may be owing to the inaccuracy of my own judgment, and the unsettled state of my opinions, I

think that you will recognize in others, only the inherent mystification of political economics.

I have the honour to be,

My dear Sir,

Your very faithful Servant,

THO. PERE. COURTENAY.

RECEIVED AT 12 OCT 109

SKETCHES

ON

POLITICAL ECONOMY .

BY

ANTHONY DUNLOP, ESQ.

ORIGINAL.

LONDON: .

1818.

PREFACE.

IN laying the following little work before the public I am fully conscious of its many imperfections; some of these it would have been no difficult matter to correct, had I possessed the necessary leisure; but, obliged to an almost constant attendance to a pursuit requiring unremitted attention, it has only been in my power to snatch a few minutes from time to time to commit to paper my ideas on a subject of considerable intricacy.

It will naturally be asked why I obtruded on the public, a work, which I had not leisure to render worthy of its eye. My answer is, that the light in which I have seen this subject is, I believe, perfectly new; and if my ideas on it be correct, its publicity at this period is of some importance. I conceive that the present distress of the country arises from the adoption of measures founded on false notions, viz. That its prosperity depends on the granting to our merchants and manufacturers monopolies against our agriculturists, and against each other. That our manufactures cannot prosper but by the depression of the wages of labour. And that the interests of the landholder and of the public creditor are entitled to a paramount consideration in all acts of the legislature. These ideas appear to me to be so completely erroneous, that I conceive not a moment should be lost in their thorough investigation.

In the course of these sketches I have freely borrowed, and without acknowledgment, the ideas, and sometimes even the language of others; particularly of Dr. Adam Smith. I have nevertheless on

some occasions ventured to differ from this great luminary ; who wrote at a time when the subject had been little canvassed, and when therefore it was hardly possible that any individual should have contemplated every part of it, under every possible bearing. In treating of the decay of manufactures in Spain, Dr. Smith attributes it principally to the danger and expense of smuggling silver out of that country, which, by causing a greater abundance of it there than in the rest of Europe, must necessarily enhance the money price of labor there, and consequently, he says, enable foreigners to undersell the Spaniards even in their own market. He did not consider that the foreigner who imported his manufactures into Spain must, in diminution of the price he received for them, pay for all the risk and expense of smuggling his returns, if made in silver, out of the country ; and that in proportion as that risk and expense could have enhanced the money price of labor in Spain, so in like proportion it must have diminished the price which was ultimately received for foreign manufactures imported into that country.

In pointing out this error in Dr. Smith's reasoning, I by no means wish to undervalue the merit of his most excellent work, but, merely by showing that as the greatest industry and the most extensive human ability do not always exonerate from fault, to claim a lenient consideration for those which may be detected in the following sketches.

One, and only one advantage I derive from situation in the discussion of political subjects. I have long been an inhabitant of an island where the people, though unrepresented, are in some degree free from taxation ; where they are neither agitated by political parties, nor the minds of individuals warped by the pressure of those public burthens to which Great Britain is peculiarly subjected. In such a situation, it is at least more easy to appreciate with candor all arguments connected with my subject than in one where the personal feelings are more directly interested.

Isle of Man, 22d May, 1817.

SKETCHES, &c.

CHAPTER I.—*Trade is only Barter.*

IN the infancy of society, when the community lives by the produce of the chase, peltry is almost the only article of export. When the hunter has procured more skins than are necessary to his own wants, he willingly exchanges a part of them for such articles of foreign produce or manufacture as he may desire. It also sometimes happens, that he may not only thus exchange his surplus peltry, but even perhaps the whole of it, when by so doing he finds that the articles procured in barter for it may be substituted with advantage to all the purposes to which his skins had heretofore been employed. His exchanges are simple; and as money rarely forms a medium of his barter, the whole process is perceived at one view; and its principle, and its practice, have therefore never admitted of any dispute. But in the complex transactions of the commerce of civilized nations, such a circuitous mode of barter is often adopted, and our minds are so much habituated to consider money as the standard of value, rather than as the medium of barter, that in tracing the principles and effects of extended foreign commerce the judgment is apt to be bewildered in a maze of intricacy. And hence the various and often contradictory systems concerning commerce, with which the world has frequently been amused. The same principles however which govern the commerce of the savage, equally regulate that of the civilized man; they both part with so much of the produce of their land and labor as they can exchange for other produce which they consider more useful or more agreeable to them: and (consequently) it will be difficult to devise any other effectual mode of procuring the latter than by parting with the former. This exchange however is frequently circuitous; and the different states

into which the original property is often converted, and the many hands through which it often passes before the ultimate exchange is completed, cause us frequently to lose sight of the transaction. The following example of the exchange of English cutlery for the teas of China, though by no means one of the most complicated, is still sufficiently so to bewilder those who do not trace commerce to its first principles :

A. sends English cutlery from London to Hamburg, there sells it to B. for bills on London ; but B., having no funds in London, applies to a banker C., who grants a draft on his correspondent D. in London. This draft C. is enabled to grant, because E. has recently sent a cargo of linens from Silesia to London ; and at the time he sent them, he drew on his agent F. in London for their amount ; which bill, after travelling from Silesia to Hamburg, was discounted by C. the banker there, and by him transmitted to his correspondent D. in London. F. sells the linens in London to G. and their proceeds cancel E.'s draft on F., which being held by D. puts him in funds to answer C.'s draft on him in favor of B., but which was endorsed over by him to A. in payment of the cutlery. G. exports the linens to Cadiz, and there sells them for Spanish dollars, which dollars he carries to London, and there lends them on bond to the East-India Company, who again ship them to China for the purchase of teas, and with the produce of these teas discharge their bond to G. Now it is evident, when the whole of these transactions are considered, that the cutlery exported by A. is ultimately exchanged for the teas imported by the East-India Company, as much as if the transaction had taken place by direct barter at the company's warehouse.

When a merchant engages in a foreign adventure, his object is to attain a certain quantity of something for which there is an effectual demand in his own country, and he sets himself to consider in what way he can procure this something at the least expense of the land and labor of his own country, or in other words, at the smallest price to himself. Perhaps, for instance, (to use our previous example) he wishes to import teas from China, and considers that these can be purchased more advantageously with Spanish dollars than with the rude produce or manufactures of Britain ; but as there are no silver mines in Britain, he, or (what is the same thing) some one else for him, must import these dollars ; but as they cannot be procured at Cadiz but for an equivalent, he, or some one else for him, must send that equivalent ; and if Silesian linens happen to be in much greater demand at Cadiz than British produce or manufactures, it may be more advantageous to send to Cadiz Silesian linens than British goods for the purpose of purchasing the necessary dollars. But as the Silesian linens are not a manu-

facture of Britain, and cannot be procured but for an equivalent, so he, or some one else for him, must send to Silesia such an equivalent in order to procure these linens; and if English cutlery be considered as the most advantageous means of procuring them, it may be sent directly from England to Germany.

In such a round-about trade of consumption, the whole of the intermediate exchanges, or sales and purchases, are seldom effected by the same person, and indeed seldom come under the view or knowledge of any single individual; but, by whomsoever they may be effected, the result is the same, the cutlery is ultimately the value paid by Britain for the teas so imported for the consumption of Britain.

In these transactions, it is not necessary to the profit of the merchants who carry them on, that the money price of the cutlery be higher in Germany than in England; it is sufficient for the interest of A., the exporter of the cutlery, that he can procure for it in Hamburg, either bills or goods which will yield him in London the amount of the prime cost of the cutlery, together with the freight, insurance, and other charges on the voyage, as also a fair and reasonable profit on the capital employed. If A. sells his cutlery for bills on London, either the money price of the cutlery must be so much higher at Hamburg than in London, as to compensate the expense, risk and profit of the voyage, or the course of exchange must be so much against London as to compensate any deficiency in such higher money price; otherwise A. will be a loser by the adventure, and consequently will be discouraged from continuing the trade.

In like manner it is not absolutely necessary to the prosperity of E.'s adventure of Silesian linens to London, that the money price of such linen be higher in London than in Silesia; but it is necessary that the prime cost and charges on the linens be compensated by the London money price of the linens together with the difference of exchange, otherwise E.'s agent F. would not be in funds to answer his bill.

It is not absolutely necessary to the success of G.'s adventure to Cadiz that the money price of linen should be higher at Cadiz than in London; but it is necessary that the linen should sell for such a quantity of dollars in Cadiz as should be worth, when imported into England, the prime cost of the linen in London, together with the charges and profit on it to Cadiz and on the dollars back to London; otherwise G. would lose by his adventure. But it is of no consequence to G. whether the advance of price necessary to meet the expense and profit of the voyage accrue on the sale of the linens at Cadiz, or of the dollars at London, or partly on both these transactions.

It is of no importance to the East India Company whether (in-

dependently of each other) the money price of dollars or that of teas be higher in China or in London; but it is absolutely necessary to the success of their adventure, that a given quantity of dollars should, in China, exchange for such a quantity of teas, as will again sell in London for a sum equal to the prime cost of the dollars in London together with the charges and profit on the adventure from London to China and back again. If they do not sell for so much, the company would evidently be losers by the trade, and consequently would not continue it.

It is evident that the ultimate result of this circuitous commerce resolves itself into the simple barter of the cutlery for the teas; loaded however with the expenses and profits on three distinct voyages to Hamburg, to Cadiz, and to China, with the commissions of agency and on granting and discounting the bills at Hamburg. The higher, then, was the original price of the cutlery, the higher the money price of the labor employed in constructing and navigating the ships which performed these different voyages; the higher the rates of commission and of profit on the capitals employed in them, the dearer must consequently the teas be sold by the company to the consumers. It is the consumers of the teas therefore, and they only, who ultimately pay for the cutlery together with all the expenses of the intermediate traffic between its sale and that of the tea.

CHAPTER II.—*The money price of foreign commodities is principally regulated by the money price of labor, and rate of profit in the home market.*

If we continue to pursue the example adduced in the preceding chapter, it will appear that as the consumers of the teas ultimately pay for them the prime cost of the cutlery, together with all the charges and profits attending the intermediate traffic, so the price of teas in Britain will therefore be affected by the high or low price of labor, and the high or low rate of profit in Britain in nearly the same degree as, if they were articles of the growth and manufacture of Britain. I say nearly, because as some foreign capital may have been employed in the interchanges between the cutlery and the teas, and as some foreign labor may have been employed in effecting these interchanges, so far as the teas are chargeable with that profit and with that labor, their prices will be enhanced in proportion to the price of labor and to the rate of profits in these foreign countries.

But the price of labor or the rate of profit in China, or in any of the other foreign countries in which the interchanges were effected, can only influence the price of the teas in Britain, in so far as they were employed in effecting these exchanges; but in no

respect to the price of teas in Britain be influenced by the high or low money price of the wages of the labor, or of the rate of profit on the capital employed in the cultivation and manufacture of the teas, or in working the mines, or in refining the silver, or in cultivating the flax and manufacturing the linen; because (as Dr. Smith has clearly proved) the true measure of the value of every article of consumption, is the quantity of labor which it will purchase; and the difficulty of procuring silver remaining in like proportion to that of procuring tea in China, an equal quantity of the one will continue to exchange for an equal quantity of the other, be the price of labor or the profits of stock what they may: In like manner while the quantity of labor required to procure linen and to procure dollars remain the same as before, in Spain a like quantity of linen will there continue to exchange for a like quantity of dollars, be the price of labor or the profit on stock what they may: and in like manner while the quantity of labor required to procure a certain quantity of linens, and a certain quantity of nutmegs continue, in Germany the same, a like quantity of the one will also continue to exchange for a like quantity of the other, let the wages of labor and the profits of stock, in that country, be what they may.

It also appears clearly that in the instance under discussion, nothing more was effected (as indeed in no instance any thing more can be effected) by means of the bills of exchange, than to facilitate general barter; for wherever a bill of exchange is granted, value must somehow or other be sent to meet it, otherwise it must be protested, and remain a debt against the drawer.

As it appears, that in our adopted example, the high or low price of the wages of labor or of the rate of profit in foreign countries, have little or no influence on the prices of foreign articles in the home market, it therefore remains for us to examine by what the fluctuations in these prices are regulated. The vicissitudes of seasons, and the deficient, or too abundant supplies of the market certainly are the principal causes of the alterations which take place in the price of foreign commodities within any given short period of time; but in considerably extended periods of time these causes can produce no effect whatever in the general average prices; which must, so far as these causes are concerned, be regulated by the general average of the seasons and of the importation in proportion to the effectual demand. But as we have already seen that even the most circuitous commerce resolves itself ultimately into barter, and as the money price of home produce must necessarily rise or fall in proportion to the rise or fall in the money price of the labor and rate of profit which has been employed in procuring such home produce; so it follows that the money price of the foreign commodities for which that home pro-

duce is exchanged, must also necessarily rise or fall; in the home market, in a ratio equal or nearly equal to the rise or fall in the produce which has been bartered for these commodities; and consequently in a ratio equal or nearly equal to the rise or fall of the money price of labor and rate of profit in the home market.

CHAPTER III.—*Of the Value of the Precious Metals.*

Except in cases of foreign conquests, of colonies, or of persons drawing a revenue from one country which they spend in another, there are no means by which the people of one country can acquire a share of the produce of the land and labor of another but by parting with some part of the produce of the land and labor of their own. This is the fund from which all subsistence is derived whether native or foreign; and in proportion as it costs much or little money to produce a certain quantity of commodities in our own country, so in like proportion we must pay much or little money for such commodities as we consume, whether of the produce of our own country, or procured from foreign independent countries, by the only means which is within our power, viz. that of exchanging our own for them. But as gold and silver are not only articles of commerce whose values are regulated by the quantity of labor which they will respectively purchase in different countries, but have also become the standard circulating medium in most of these countries, and as they are very portable and durable commodities, they have in consequence attained, in most commercial countries, a more equal value than most other commodities. And between any two adjacent countries in which these metals form the circulating medium, and between which the commerce is perfectly free, the real value of these metals cannot greatly vary: Because if the real price of gold and silver were lower, or, what is the same thing, where these metals form the currency, if the money price of the greater part of commodities were higher in any one country than in some other one adjacent, with which the commerce was perfectly free, it would evidently be the interest of the merchants of the former country to export gold and silver in order to purchase in the latter country such commodities as they could again sell for much more gold and silver in their own; and this traffic would continue until by a continual abstraction of these metals from the former country, and accumulation of them in the latter, the value of them in each would become so nearly equal that they could no longer be transported from the one to the other with any advantage.

But this natural equality in the value of the precious metals, in the neighbouring independent countries may be, and indeed generally is, greatly diminished by the regulations of commerce, by

duties and taxes, and by the profusion or scarcity of paper in circulation in these countries respectively.

If, for instance, there subsist between two countries a mutual prohibition of the produce and manufactures of each other, it is evident that the prices of the one may be out of all proportion to those of the other. If Britain were to prohibit the wines of France, and France in return to prohibit the hardware of England, as many pots and pans might, after a short period, be procured in England for a small quantity of claret, as would in France exchange for a very large quantity of the same wine. Should the exportation of silver be prohibited from South America, and the prohibition be rendered effectual, an ounce of silver might come to be of as much value in Europe, as a pound of it would be in that country.

Duties on foreign commodities have a similar effect with prohibition, though in a less degree, enhancing the price of the article on which they are levied, to the consumer, and thereby diminishing the extent of that consumption. If Britain were to lay a duty of fifty per cent. on the importation of all foreign commodities, it is evident that no merchant could, without loss, import any article into Britain to be exchanged for gold and silver, unless such article were at least fifty per cent. dearer in Britain than in the country from which it was imported; and therefore that no gold and silver would be exported from Britain, until the value of these metals had in Britain sunk so low as to be at most only two thirds of their value in respect to some other commodity in some other country.

Duties on importation therefore tend to diminish the value of the precious metals in the home market and consequently to raise the money price of labor there.

Taxes such as those of the excise, which tend to increase the money price of the home produce (if not drawn back on exportation of that produce) affect the value of the precious metals in two different and opposite ways: 1st. By increasing the price of other commodities in proportion to that of gold and silver in the home market, they tend to depress the value of these metals, and consequently to raise the money price of labor. And 2dly. By increasing the value of the home produce in proportion to that of the precious metals, the exportation of the latter is encouraged instead of the former, which must necessarily tend to raise the value of gold and silver in the home market, and thereby to diminish the money rate of wages.

In countries where penal laws exist against melting the current coin, the multiplication of paper currency may have a temporary, but it can hardly have a very permanent, influence in depreciating

the precious metals. Its effects on the price of labor and of commodities shall be treated of hereafter.

CHAP. IV.—Of the Effects of Taxes.

It rarely happens that the government of any country levies any tax, which shall ultimately be paid by the people of an independent foreign country; because few countries produce exclusively any particular commodity, for which no convenient substitute can be found in another. The Chinese exact a tax of duty on the exportation of tea; and if such a tax be kept sufficiently low, it may fall entirely on the consumer; but if pushed too far, more might be lost by the diminution of the demand, than would be gained by the augmentation of the duty. Till of late, Britain enjoyed the monopoly of plumbago, or black lead; on the exportation of which a duty might have been levied, which must have been altogether borne by foreign countries. Our wool is said to have been in great demand on the continent, on account of its superior softness; so much so, that it would have borne a duty on exportation; but with the short-sighted monopolizing spirit which has ever actuated all mercantile governments, we have rather chosen to retain our wool at home, to the evident discouragement of our agriculture. While foreigners, by our ill-judged policy, have been stimulated to make exertions for the improvement of their breeds of sheep, which have not failed to be ultimately successful. The objects, however, on which a duty can be beneficially levied on exportation are generally few in number, and inconsiderable in total value.

All such taxes as cannot, by means of a monopoly, be levied on foreigners, must of course fall on the people of the country in which they are levied, and they must be paid out of some one or more of the three sources of income; the wages of labor, the rent of land, or the profits of stock. Such as fall on the wages of labor, those paid either directly or indirectly by the laborer, and which he cannot get back by a proportionate increase of his wages, render him less able to support a family, and consequently discourage population: they also render him less industrious, by diminishing the reward of industry. They consequently strike at the very root of the prosperity, the happiness, and the strength of the State; for the prosperity of a state is alone constituted by its production exceeding its consumption, and whatever tends to discourage the industry of its inhabitants, must of course, in a like proportion, diminish the produce of their labor. Those taxes, on the other hand, which fall on the rent of land, or on the profits of stock, have no such direct tendency to diminish the population, or to discourage the industry of the country, because the landed proprietor generally spends the whole or nearly the whole of his

income, in a manner as little beneficial to the State, as if it were paid from the public treasury, and for the public service. A part, and usually a part only, of the income of the capitalist is spent in the same manner as that of the landed proprietor, and the rest is commonly appropriated to the augmentation of the capital of the individual and of the State, to diminish which would no doubt be attended with the most serious injury to the community at large. And at first sight it may appear, that such taxes as fall on the profits of stock would have an inevitable tendency to obstruct the accumulation of capital: yet experience teaches us that capitalists generally regulate their rate of living so much by the rate of their profits, that that part of them which is usually appropriated to the augmentation of their capital, is little affected thereby. Before the revolution in Holland, the common interest of money was from two to two and a half per cent.; and the rate of mercantile profit might probably be nearly double that of the interest of money. At Cadiz, during the same period, it was generally supposed that the mercantile rate of profit was not less than twenty per cent. per annum; yet the accumulation of wealth was hardly less rapid at that time at Amsterdam than at Cadiz. In the former city, however, a merchant who possessed a hundred thousand pounds capital, did not live more expensively than one who possessed only a tenth part of that wealth did in the latter.

Taxes which fall on the rent of land exclusively, must unquestionably discourage the improvement of the soil; the most stable, and generally one of the most beneficial improvements which can be effected in any State; but if such taxes be counteracted by equal ones on the profits of stock employed in every other way, much, if not all, their bad effects will be obviated. It is true that all taxes on the profits of stock excite men to remove their capital to other countries, where their burthens may be lighter, and their profits, and consequent enjoyments, greater; but as it is impossible so to regulate taxes, as to do away all the evils attending a great public expenditure, so the utmost that human wisdom can effect where such an expenditure is necessary, is to supply it in the least onerous way possible. And when we consider the great disparity in the rates of profit which subsisted at the same time in places at so moderate a distance from each other as Cadiz and Amsterdam, it will lessen the apprehension of any great proportion of capital being removed from one country to another, in consequence of taxes affecting the profits of stock. A small additional security to property will, in the opinion of most men, compensate a very considerable deficiency in the profits arising from it.

Taxes, when not equally levied on every article of consumption, tend to derange the relative proportions of the prices of different articles of consumption, and thereby to give an undue preference

to one; above another, the consequence of which is, to turn some part, at least, of the industry of the country from the employment most beneficial to the State, into such as are less so; for the capitalist will always employ his wealth, and the laborer his work, in such manners, as they respectively may judge most for their individual advantage, and the advantage of the aggregate individuals of the society, forms the advantage of the State. Whatever regulation, therefore, drives either the capital, or the labor of individuals from that channel in, which they would naturally flow, must turn them into some other, which these individuals, at least, consider less profitable, and which will probably be found to be so. It is hardly possible, so to adjust taxes on consumable commodities of home produce as that they shall not be liable, both to the objection of turning the industry of the country into occupations less advantageous than those in which it would naturally have been employed, but also of falling with greater or less weight on the laboring classes of society; even the tax on carriages, which appears to affect the laboring classes as little as any one can do, still must in a certain (though small) degree diminish the general rate of wages, by preventing so many people from being employed in making carriages as there otherwise would be. But where a tax affects the laborer, (and it is hardly possible to imagine one, which shall not either mediate or immediately affect him) one of three things must take place; he must either enjoy so much less of the conveniences of life as he contributes towards the tax, or he must raise the price of his labor in proportion to his contribution, or lastly (and which is most commonly the case,) he must furnish to his contribution, partly by the resignation of some of his conveniences, and partly by a rise of his wages. So far as his contribution is furnished by the former expedient, so far the general prosperity of the country is injured, so far industry is discouraged by the diminution of its reward; so far the incitements to marriage, and the means of supporting a family are taken from the laborer, and so far the population of the country is consequently discouraged and its means of defence against a foreign enemy reduced. On the other hand, so far as the laborer can remove the burthen of the tax from himself, and by a proportionate advance of wages, transfer it to the consumer, the inconvenience or injury to the State is comparatively small. The produce of almost all taxation is employed exclusively in the maintenance of unproductive labor, and consequently its direct tendency is to impoverish the State; but so far as the wages of labor have been augmented in due proportion to increased taxation, the burthen will fall mostly, if not wholly, on the rent of land and the profits of stock; and as a great proportion of these are commonly expended not only on unproductive labor, but on such as gives a fashion to expense and dissipation, such

taxes may in some cases have rather a good than a bad effect; they may tend on the one hand more to repress luxury, than they do on the other to impoverish the State.

While all foreign commodities are subjected to duties in exact proportion to those levied, directly or indirectly, on home produce and manufactures; the price of every article will retain its natural proportion to that of every other; and if the wages of labor have, at the same time, risen precisely in proportion to the burdens laid, directly or indirectly, on the labor, the price of every article will continue in its natural proportion to that of every other; every thing will be exactly so much dearer than it was before, as the amount of the impost paid on it; the laborer will get higher wages than before; but as he will have a proportionably higher price to pay for every article of consumption, he will be neither richer nor poorer. The whole amount of the imposts would fall on the rent of land and the profits of stock; the rich would be deprived of a part of the means of their former enjoyment, which would be transferred from supporting one species of unproductive labor, to support that of another, perhaps equally little injurious to the morality and happiness of the people. But should it even be the wish, still it would be found extremely difficult for any government to apportion the taxes and duties so that the natural proportion of the price of any one article should not thereby be altered from that which it would otherwise bear to the price of some other article. A very contrary policy, however, has been adopted by almost all European nations; the production or importation of certain things have been encouraged by bounties, while others have been loaded with heavy duties, or banished by prohibitions; and thus great part of the labor of the community has been turned from those occupations which were most profitable to it, into others which were far less so. The rage of most of the European States has been to become manufacturers for the supply of foreign countries; the rude produce of land has therefore been admitted into most of them freely, while all foreign manufactures were either prohibited or highly taxed. The consequences have been, the depreciation of the rude produce of land in proportion to all other commodities, and the consequent discouragement from employing either capital or labor in the cultivation of the soil: the increase of the population of the towns has been promoted at the expense of that of the country, and thereby a considerable degeneracy of the species has probably been effected. Almost every European country having adopted a similar policy, the bad effects of it have consequently been less conspicuous in any particular one; and as the richest countries have at all times (in consequence of those riches) been able the farthest to extend their manufactures,

so this extension has generally been considered as the cause, instead of the effect of such wealth.

We have already seen that the only possible means by which any one country can pay for its imports from any other country, is by parting with some part of the produce of its own land and labor; it therefore becomes a question of considerable importance to ascertain whether it be most beneficial to part with this produce in a rude or in a manufactured state. In the early stages of society, before capital has greatly accumulated or a considerable subdivision of labor has consequently taken place, the manufactures even for home consumption are so scanty, that it is but rarely that any can be spared for exportation. To such a country, however, a rich neighbour may frequently export his manufactures with advantage to be exchanged for rude produce, so long as this trade can be carried on without the support of peculiar indulgence; but from the moment that peculiar indulgence becomes necessary to its existence, either by the granting of bounties on the exportation of the manufactures, or by the exaction of less duties on the importation of the rude produce than are levied on a like value of foreign manufactures; from that moment such a trade not only ceases to be beneficial to the rich country, but becomes essentially injurious to it; for such bounties or privileges can have no other effect than to force exchanges which would not naturally have taken place, or which, in other words, are really disadvantageous; for those which are otherwise, will be naturally effected without any other encouragement than protection, and to the full extent to which they can be beneficial. Two reasons, and probably only two, can be given for granting bounties on exportation, or admitting certain commodities on the payment of less than the ordinary duties, and these seem to be, 1st, when such regulations are judged to be more conducive to the means of national defence than injurious to the increase of its wealth. In such a view a great maritime country may, perhaps with propriety, in time of peace, grant bounties on the exportation of hemp, flax, and some other naval stores, in order to encourage their produce at home, so that in the event of a foreign war, that country may be the less dependent on the good will of foreign states for the means of its defence; and when such a war really does take place, it may then become the interest of such a maritime country to open its ports to the free importation of all such stores as may be peculiarly necessary to facilitate its defence. In the same view it may sometimes be politic to grant bounties on the exportation of corn and other provisions, and to load their importation with heavy duties in order so far to encourage agriculture at home, as to preclude as much as possible, the ill will or caprice of foreigners from straitening the supply of the necessities of life in the home market; and 2dly, when under judicious

regulation to become the means of keeping the money price of provisions as stationary as possible, which is a measure of the very greatest benefit to the laboring classes of the community, and consequently to the state in general. For the average money price of provisions (whether high or low) is of no importance to the laborer; because while the real recompense of labor continues the same, his wages must rise or fall in exact proportion to the rise or fall in the average money price of the commodities which he consumes; but the vicissitude from plenty to dearth is attended with the most serious calamities to him. A moderate rise in the price of provisions occasioned by a failure of crop is frequently attended by a fall of wages; but seldom with a rise of them: wages are regulated by the average, not the occasional, price of the necessaries of life; and the laboring classes are generally too improvident to save in years of plenty what shall essentially contribute to their support in times of scarcity. It therefore becomes of the highest importance to adopt such measures as may equalize as much as possible the money prices of the first necessities of life. This can only be effected by the most judicious regulations, which should give an equal encouragement to exportation in seasons of plenty and to importation in those of scarcity. The exportation of gun-powder, arms and other warlike stores may also be beneficially encouraged in times of peace, in order to give full employment to a class of manufacturers whose services may be of the most urgent necessity in time of war; but these appear to be the only class of manufacturers to whom any extraordinary encouragement can be reasonably extended, because the additional safety which their labor affords to the state in time of war may compensate the expence to the community of such undue encouragement in time of peace, but all peculiar privileges granted in favor of such manufacturers as do not compensate them by some extraordinary public security, are only burthens laid on the people for the maintenance of a losing trade.

Until the territory of any state be fully cultivated, it never can be conducive to the wealth of that state to employ either its capital or its labor in manufacturing for other countries; because an abundant subsistence necessarily and rapidly gives rise to an abundant population; and that subsistence when produced at home is subject only to the unavoidable vicissitudes of the seasons; whereas if drawn from abroad, it is liable to be intercepted by the enmity, the caprice, or the convenience of foreign countries. Capital and labor also bestowed on land usually yield a greater profit to the community than when bestowed on manufactures: they commonly in the former not only pay the ordinary wages of labor and the ordinary profits of stock employed, but also generally afford an increased rent to the landlord and a return for the house and fire.

during the currency of which the improvements have been made. The cultivation of the soil has also no less advantage over manufactures in the moral character, and orderly submission to the laws, the robust health, and bodily strength of those engaged in it, than in the acquisition of national wealth and security. That man does not always become the richest who has the greatest gross revenue; but rather he whose income most exceeds his expenses. A vast domain, if loaded with debt, and burthened with the support of a splendid establishment, and numerous retinue, commonly affords less permanent prosperity, and even less present happiness to its possessor, than a more moderate estate managed with prudence and economy. It is with nations as with individuals: a vast extent of colonies, with a prodigious naval and military establishment to guard them, an immense load of public debt, with a sumptuous court, and luxurious people, afford far less real happiness to the subject, and far less security to the throne, than a more circumscribed, but compact territory, enjoying freedom from debt and moderate taxation.

CHAP. V. *Of Public Debt.*

I have already endeavoured to show, that under a perfect freedom of trade, the precious metals, above most other commodities, will acquire a near level of real value in the neighbouring countries. But every deviation from a perfect freedom of trade, even in any one article, tends more or less to derange this level. Any duty laid on an article of importation must necessarily enhance its money price; and should any country subject most foreign articles to considerable duties, and at the same time enhance the price of its own, either by means of the excise; or by taxes which should essentially raise the wages of labor, the relative value of the greater number of commodities to that of the precious metals, being thus raised, would have precisely the same effect as if the real price of the precious metals had been, in that country, diminished. That this has actually taken place in a greater or less degree in every country of Europe cannot be doubted; but as it has been extended much further in some of them, than in others, so the depreciation of the precious metals, when compared with other commodities has been carried much further in some than in other countries. And thus in some, the public burthens have necessarily raised the money price both of the wages of labor and of every necessary and convenience of life, to a much higher rate than that which is paid for them in the neighbouring countries: and it has generally been supposed, that in consequence of such augmented money price of the wages of labor and of the necessaries of life, the manufactures of such country, necessarily costing more money to produce them, than similar manufactures in the neighbouring countries,

would consequently be undersold, and driven out of the foreign market. But however general such a supposition may be, none certainly can be more chimerical. The real evils of a great public debt and oppressive taxation are sufficiently numerous and appalling in themselves without adding imaginary evils to the number. I shall in the first place attempt to prove that when a country has the misfortune to labor under a great load of public debt, the general consequent advance in the money price of labor, has no injurious effect on the sale of its manufactures in foreign countries; and I shall then proceed to give my reasons for thinking that the evils attending a great public debt are mitigated by the high money price of labor, and of the necessaries, conveniences, and luxuries of life; and that they are aggravated by a diminution of the money prices of the same things:

1st. When the general money prices of labor and of commodities are increased in consequence of the increase of duties and taxes, there can be no question but that the merchant who exports our manufactures must pay more money for them than he did before; but as his object in exporting them, is only to procure the means of purchasing such foreign articles as are in demand in his own country, and as the money price of these articles in his own country, depends altogether on the expense of procuring and bringing them into that country, so the money price of the foreign commodities consumed in any country must necessarily rise or fall, in proportion to the rise or fall of the money price of the commodities employed in their purchase. While the home consumption of foreign and domestic articles continues the same, the incitement to industry cannot well vary; for it will require the same quantity of our produce or manufactures to purchase the same quantity and quality of foreign commodities, in the foreign market, whether that produce and those manufactures have cost us little or much money: and if the money price of every thing have risen or fallen in exact proportion to each other, the means of purchase will have risen or fallen in exact proportion to the enhancement or diminution of the money price; so that no one will in fact be either richer or poorer than before. He will have more or less money to bestow on the purchase of the necessaries and conveniences of life, but these necessaries and conveniences will have risen or fallen in price in exact proportion to his augmented or diminished wealth. For we have already seen that we have no means of procuring such commodities as we want from foreign independent nations, but by parting with such a quantity of our own produce or manufactures, as may be exchanged either directly or circuitously, for those foreign articles. And no one will surely propose that we should export our manufactures without receiving an equivalent for them either directly or circuitously, which should

ultimately be consumed in our own country. Our exports must always therefore, within a moderate space of time, balance our imports; and they never can do any more, except in the cases of subsidies, of conquest, or of persons drawing a revenue from one country which they spend in another. For as no person will willingly part with any portion of his property without receiving an equivalent for it, so likewise will no nation ever continue, for any length of time, to export a greater value of commodities than it imports in return. The boasted barometer of the prosperity of nations; the annual returns of the exports and imports, exhibited with so much parade each returning season, can afford us no farther information than a very inaccurate estimate of the present amount of our foreign commerce; but the continued excess of the former of these above the latter, ought only to convince us of the inaccuracy with which these returns are made out.

In the case of a great public debt and heavy imposts; the principal part of the public creditors, and almost all the tax-gatherers, not only produce nothing themselves which can either be consumed at home or sent abroad, but they also consume a great part of the industry of a vast multitude of their fellow-citizens, or (what is the same thing,) a vast quantity of foreign commodities, which could have been purchased only by the industry of their fellow-citizens. And in proportion as these unproductive consumers are increased in any country, so must the wretchedness and poverty of that country be augmented; because the wealth of every state consists in the accumulated surplus produce of its land and labor, beyond its consumption. While, therefore, the number of hands employed in industry, or productive labor, is so great, that their produce exceeds the aggregate consumption of the community, the country rises in wealth and prosperity. When the proportion of the productive laborers is diminished so far that the produce only equals the consumption, the country is stationary: but, when the proportion of laborers is still further diminished, so that the annual production no longer equals the annual consumption, the decline of the nation has commenced; the necessary appropriation of capital to the means of present subsistence, deprives the laborer of the fund which formerly furnished him with work; his subsistence becomes scanty and unwholesome; he is incapacitated from rearing a family, and the mortality in this class of men annually exceeds the increase by births. In consequence of the decrease of capital, the interest of money gradually augments. The farmer and master-manufacturer sink for a while into the class of common laborers and journeymen, until a short period obliterates their name and their remembrance from the earth. In this scene of general desolation the moneyed man alone enjoys prosperity; the rise in the interest of money has increased his income, while the decline in

the wages of labor has rendered even the same nominal income of much greater real value than before.

And finally: Where a great public debt has been incurred, and where consequently a great annual revenue must be raised, in order to pay the interest of that debt, it appears greatly conducive to the prosperity of the country, that the wages of labor, and the money prices of all commodities should be kept up as high as possible, particularly in times of peace; because we have already seen that the high or low money price of labor and of commodities can of itself have no effect whatever on foreign commerce; that, all foreign commodities being purchased either directly or circuitously by the produce of our own land and labor, the high or low price of the latter can in no respect influence its exchange for the former; but that the consumer of the foreign commodity must ultimately pay a price for it, in exact proportion to the high or low price of the article of home produce which was directly or circuitously given in exchange for it. Now as a certain fixed sum of money must be collected from the public in order to pay the interest of the public debt; and as the contribution for that purpose imposed on the public, is in fact rather the money's worth than the money, the quantity of consumable commodities represented by the amount of the contribution, rather than the number of bank notes, or of pieces of gold, so it is evident, that the higher the money price of these commodities is, the smaller will be the quantity of them which is represented by the amount of the public contribution, and consequently the smaller will be the real contribution of each individual in the state.

In times of peace therefore, when not only the interest of the public debt should be regularly paid, but a proportion of the principal annually discharged, it appears to be of the highest importance, that not only the war prices of commodities should be kept up, but that they should be even augmented, if possible, so as to enable as much debt to be paid off in the periods of peace as may have been contracted in those of war; for otherwise public bankruptcy must at last be resorted to; an evil which must be the more extensively felt, in proportion as the public debt has been accumulated to a larger amount.

As a nation is either prosperous, stationary, or declining, according as its population is more or less employed in productive labor; and as the nature of man, where he possesses the means, impels him rather to enjoyment, than to such labor as produces a convertible value; so it has been observed, that those who possess a fixed and abundant revenue, seldom are willing to labor at all. Some of the unproductive laborers are however highly necessary and useful to the state; but that class of them, which subsists on the interest of money lent to the state are generally, personally, not only wholly useless to the community themselves, but are like-

with the cause of the idleness of many others, who, like themselves, consume in idleness much of the produce of the labor of their more industrious fellow-citizens. These are the drones of the hive; and whatever tends to augment either their number, or the aggregate amount of their real income, tends also to impoverish the state. But if their money income be fixed, whatever increases the value of money in proportion to other commodities must also increase their real income; the quantity of commodities which they can afford to consume; and must consequently increase the proportion of the whole of the consumable commodities of the state which is destined to the support of unproductive labor. And it is evident that the larger the proportion of these commodities which is consumed by the unproductive class, the less will fall to the share of such as are productive; to the manifest discouragement of industry, of the ability of the laboring classes to bring up families, and to the diminution of the production of home commodities, as well for internal consumption as for foreign trade. It therefore appears to follow, that in every country, of which the public debt is considerable, it becomes essential to the welfare of the state, that the prices of commodities should be kept as high as possible in times of peace.

CHAP. VI.—Of the means by which the Money Prices of Commodities may be augmented.

WE have already seen that between neighbouring nations whose commerce is perfectly free, the real price of the precious metals cannot greatly vary; because if a certain quantity of gold or silver would in the one country exchange for a much larger quantity of other commodities than in the other, the merchants would derive a profit from carrying those other commodities from the former country to be exchanged in the latter for gold or silver; and this traffic would be continued until by emptying the coffers of the latter, and replenishing those of the former country, the value of the precious metals was brought nearly to an equality, in regard to other commodities, in both. But if the latter country should lay a duty of 20 per cent. on all articles, except the precious metals imported from the former, the same trade could no longer be carried on to any advantage, unless the precious metals were at least something more than 20 per cent. more valuable when compared with other commodities in the former than in the latter country. But if these duties only partially extended to some of the articles imported from the former country, while others were left free, or subject to less duties, much, if not the whole, of the effect would in many instances be lost; while some part of the industry of the country would thereby also be turned into a less

advantageous channel than that in which it would otherwise have flowed.

A more rapid method however of increasing the price of commodities, may be found in the adoption of a paper currency; which, if aided by uniform duties on importation, will not entirely drive out of circulation the precious metals. By this means they may be kept at par with the paper, so long as the amount of paper issued does not exceed its due proportion to the rate of the import duties. But in order to illustrate this subject, it will be proper to take a view of the different natures and effects of some of the various paper currencies hitherto issued in different countries.

1st. Bills of exchange, whether private or public, domestic or foreign, are principally useful in facilitating a division of mercantile business, which could not possibly take place without their aid. When a merchant exports goods to a foreign country, or to any distant part of his own country; but for the conveniency of bills of exchange, he must again import the exact amount of their net proceeds in return, in order to replace his capital with the profits arising on its employment. This is no doubt frequently done: but in many instances, particularly where the mode of exchange is circuitous, as in our preceding instance of that of British cutlery for the teas of China; the capital of any one merchant, or his knowledge of the different markets, would seldom be sufficient to enable him to follow this intricate transaction through all its different ramifications, with so much advantage either to himself or to the public, as may accrue from the transaction being carried on by several different persons, who have each dedicated their time, their attention, and their capital, to distinct subordinate branches of it. The merchant who deals in cutlery only, can certainly, with the same industry and abilities, acquire a much more accurate knowledge of its quality; from whom it can be best and cheapest purchased, and of the different places where it can be sold to the greatest advantage; than he could acquire of fifty, or of five hundred different articles of commerce, which may occasionally be either directly or circuitously exchanged for it. The merchant who deals in cutlery only, sends it to those markets where he has good reason to believe it will sell for such a sum as will procure him bills of exchange payable in his own country to the amount of the prime cost of the cutlery, together with a reasonable profit on his adventure. The very possibility however of procuring these bills is, in itself, an evident proof, that some other person had made, or was expected to make, returns in goods of one nature or another to the value of the cutlery; otherwise there would be no funds to answer the bills, and they would consequently be protested.

In the extensive subdivision of business which takes place in a great mercantile town, the negotiation of bills of exchange be-

comes the sole employment of many people. In order to prevent the inconvenience and loss of time sustained by merchants who may wish to purchase or to dispose of bills of exchange, in infancy after customers, bill-brokers have been established, who open offices, and attend on the Exchange, in order to bring the buyers and sellers of bills together. But it frequently happens that the sum for which the one wishes to draw, is not exactly that for which the other wants a bill; it also, often happens that many want bills at a period when few or none are desirous of drawing; and the reverse. This gave rise to, commercial banking-houses, which, from their great capital and established credit, are enabled at all times either to draw or to cash bills, at such a rate of exchange as may be equivalent to the demand for cash or bills respectively, and to the medium in which they are paid in the respective countries on which they are drawn. As the circumstances of such bankers are generally more relied on than those of most merchants, so their bills are generally preferred to those of the latter; and as it becomes their peculiar business to inquire into the responsibility and regularity of their customers, they have a better opportunity of judging whether the bills offered to them are good or not, than most other individuals could have. The banker's profit consists, sometimes of a small commission, sometimes in the difference of exchange at which they draw or cash bills; and sometimes of both these advantages: the broker's consists of his brokerage alone. Banking-houses for this branch of business, are of very ancient establishment; two of those in Hindostan are said to have existed under their present forms, formerly at Benares, but for some time past at Calcutta, for upwards of a thousand years, and to employ each a number of clerks and other dependents little short of the number of those in the service of the bank of England.

The mercantile spirit of modern Europe has afforded more summary means of recoverance on bills of exchange than on any other securities, and they have in consequence become a very large part of the circulating medium of some countries. In the rich and populous county of Lancaster for instance, they formed during the late war by far the greatest part of the circulating medium. As these bills are generally drawn at a short date (most commonly two months), and are often accepted, and have a number of indorsements on them, it is commonly thought that there is very little probability of the whole responsible parties failing before the short period at which the bill will fall due. These bills however are very frequently merely accommodation bills, fabricated for the purpose of raising a capital: the acceptors in London are too frequently the identical drawers in the country, but signing a different firm for the purpose of deception; and many of the indorsements are also sometimes fictitious names, which have no

existence but on the back of the bills, and which are only inserted there for the purpose of giving it currency. These bills are however often paid, by means of the fabrication and discounting of other similar bills before the former fall due: individuals and even banking-houses (though unacquainted with the parties) sometimes place confidence in them, till the bubble bursts, when they find themselves considerable losers by them.

2d. Notes of hand, or promissory notes, are sometimes made payable to order, in which case the indorsers become responsible for their due payment, as in bills of exchange; but they always lose the additional security of an acceptor, and consequently cannot be protested until due and not paid: they are, for these reasons, less negotiable than bills of exchange, and are therefore seldom used for the purpose of accommodation. But the promissory notes in most general use, and which of late years have become the predominating circulating medium of Britain, are those issued by bankers and made payable to the bearer on demand. These offer no security to the holder, but the responsibility of the drawer. And so long as it remains optional to take or to refuse these notes, and so long as they are regularly cashed on demand, they are a great convenience to individuals, and of much benefit to the public; because, to a certain extent they answer, in internal intercourse, all the purposes of a circulating medium of gold and silver, without being equally expensive to the nation. This benefit however can only reach to the replacing by paper a certain proportion of the precious metals which would otherwise be required for the circulation of the country; because as a bank note is in itself of little or no value, so its relative value can only be ascertained by that for which it can at any time be exchanged; and it cannot be exchanged for gold or silver, unless the bank which issues it, keeps in its coffers such a quantity of these metals as from experience is found to be at all times equal to the demand for them in exchange for these notes. The value of the precious metals in respect to other commodities cannot therefore, for any considerable length of time, be greatly altered by the issue of any quantity of paper, which is payable and regularly paid on demand in gold and silver. If, for instance, there were forty millions of gold and silver in any country, and that in addition to that sum, twenty millions of paper were to be issued, the sixty millions having now to perform exactly the same functions that forty did before, it is evident that every article must become exactly one half dearer than it was before. But if the value of the precious metals in respect to other commodities was previously in such a proportion to that of the same commodities in the neighbouring countries as the existing communications with these countries warranted, it is evident that the newly-created rise of price in the former country would induce the merchants of the latter countries

to pour their commodities into the former to be exchanged for its gold and silver; and this trade would be continued till the equilibrium of prices was again re-established between these neighbouring countries; so that nearly as much gold and silver would be withdrawn from the circulation as there was paper poured into it. The gold and silver which were thus withdrawn from the circulation would not however be lost to the country; they would simply be exchanged for a productive capital, and one much more beneficial to the state.

On a late extraordinary occasion, the Legislature laid a restriction on the Bank of England, which prohibited it from cashing its notes when presented for payment. I shall not here enter into the real motives which induced Government to recommend, or Parliament to adopt, such an unprecedented measure; the reason assigned was, to prevent the precious metals being exported for the use of the enemy: we shall hereafter examine how far it could possibly be attended with this ostensibly desired effect; and as the ultimate consequences of this measure were destined to produce the most striking effects on the prosperity and happiness of the country, it may not be irrelevant to our subject to follow them through many of their ramifications.

The bank of England enjoyed the most extensive means of issuing its paper. The dividends on the public debt, and most of the issues of government, were made in its notes; and it had besides a very wide means of issue by the discounting of bills of exchange, and of promissory notes. Whilst, however, it was obliged to cash its notes on demand, these issues were restricted by necessary prudence, because had they ever extended, while this was the case, so far as greatly to increase the price of commodities (which we have already seen would have been the necessary consequence of greatly augmenting the circulating medium of the country), the importation of foreign articles to be exchanged for our gold and silver would have been proportionably increased; and to supply the gold and silver required for this commerce, the paper would have returned on the bank as fast as it was issued, until their coffers would have been finally emptied. A result which must soon have taken place in consequence of the demand of bullion for exportation, which would consequently raise its price in the home market, and thereby oblige the bank to purchase it at a higher price than it could be again issued for in the state of coin. But from the moment of the restriction being laid on the bank, this necessary prudence ceased to operate; and as the profits of the bank then became commensurate with the quantity of their notes kept in circulation; every temptation was offered to the directors to increase it as much as possible. Nor was the increased issue of paper necessarily arising out of this

measure, confined to that of the bank of England alone; private banks were also thereby enabled with safety to issue quantities of notes which they dared not to have done before the restriction was laid on; because they would immediately have come back on them to be exchanged for gold and silver for the purpose of exportation: but if the private bank were one of undoubted credit, an individual, after the restriction had taken place, could but seldom have any interest in exchanging its notes for those of the bank of England. When any person had a payment to make in a distant part of the country, the latter might certainly be preferable; but as neither would pass current abroad, the danger to them of an over-issue was greatly diminished: the expense and risk of replenishing the coffers of the country banks was also greatly diminished; inasmuch as the expense and risk of remitting paper money to a distance are less than those attending the transportation of gold: the facility of procuring funds for the purpose of replenishing the coffers of the country banks, was greatly augmented by the excitement which the bank of England received to discount their bills of exchange: and the profits of the country banks were greatly augmented by the diminution of the dead stock which they were obliged to keep in their coffers, in order to answer occasional demands. By all these means, the encouragement held out to banking was so great, that the number of country banks was not only much increased, but the issues of each of them individually, as well as of the bank of England, were vastly augmented. The necessary consequences followed this great increase of the circulating medium of the country; the wages of labor, and the price of commodities (not excepting bulkion), rose in proportion: the interest paid on the public debt was virtually diminished, or (what is the same thing) it was represented by a smaller quantity of commodities than before: the rent of land rapidly increased; and those tenants who held them on old leases, acquired considerable augmentations to their capitals: these capitals were generally employed in improving the soil, by the produce of which they had been acquired; and this improvement gave employment, and daily increasing wages, to a prodigious multitude of laborers of both sexes and of all ages, who had formerly been a burthen on the community. The increased wealth of the farmers and country laborers enabled them to consume a much greater quantity of manufactures than before; and thereby the home consumption of our manufactures (which is always in a great country out of all comparison the greatest) was much augmented. And thus the augmented proportion of the produce of the land and labor of the state which became appropriated to the industrious part of the community, gave such a spur to exertion, that during a most protracted, sanguinary, and expensive war, the prosperity of the nation, and its indisputable symptoms, the

rapid increase of its population, advanced in a manner unpre-
cedented in any former period, even of the most profound peace.
The avowed object of government, to retain the gold and silver in
the country, was, however, certainly not attained by the restriction
on the bank; on the contrary, the great issue of paper, which at
once rose to drive every guinea out of circulation; the advance
on the price of bullion, soon compensated the labor and risk of
melting them, and few remained in the country except in the use
less hoards of the bank or of individuals. But as the restriction
was considered as a war measure only; on the prospect of peace,
and still more, on its conclusion, it brought the deepest misery on
the country. On the prospect of the removal of the restriction,
it became necessary for the bank to prepare to resume its cash
payments, and this could not be done without great loss, perhaps
not without the utter ruin of the bank, unless the current price
of bullion were reduced; and it was not possible for the bank
to bring about this reduction suddenly; the directors were there-
fore obliged, as the first symptoms of a probability of peace, to
adopt such measures as should reduce the current price of bullion
as low as the mint price, by the time the restriction might proba-
bly cease, or rather at a period some considerable time before that
event should take place, to allow sufficient time for their coffers
to be filled with a new coinage, before they should again be obliged
to resume their cash payments. To effect this, there was but one
possible way. While the circulating medium retained its then
magnitude, the current price of bullion could not fall, unless the
exchangeable commodities of the country could have been aug-
mented in a like proportion. But this latter means being in no
respect within the power of the bank, its only possible resource
was to diminish the quantity of paper in circulation, till the price
of bullion should fall to par, or the mint price. This, however,
could neither be easily nor rapidly effected: the issues and receipts
on account of government, probably nearly balanced each other,
and it was not in the power of the bank directors to alter their
amount. But as the bank of England is the principal mart for
discounting bills of exchange in London, and as its accommoda-
tion is directly, or indirectly, necessary to the support of most of
the country banks, it was in the power of this great body, by dimi-
nishing and rendering as precarious and uncertain as possible its
discounts, to reduce the circulation. 1st, by the amount of its own
notes which were usually employed in discounts, 2dly, by a very
considerable proportion of the bills, which were usually discounted
by the private bankers in London, on the faith that if they should
have occasion, they might get them re-discounted at the bank
of England; and 3dly, by generally refusing all discounts to the
country banks, and thereby depriving them of the means of meet-

ing any run which might come against them; to oblige them to reduce within much narrower limits than heretofore, their issues both of bills of exchange and promissory notes. Such were the necessary measures to which the bank of England was reduced by a due consideration for its own safety; and after peace had actually taken place, it became necessary to pursue them with even greater rigor than when that was only in contemplation.

From the period of the restriction on the bank of England taking place, the country banks had granted credits to farmers and to manufacturers with a liberality, if not profusion, before unknown; and a great proportion of the cultivation of the land, and of the various manufactures and commerce of the towns, soon came to be carried on; in part at least, by the credits derived from the country banks. The transition from a protracted state of warfare to peace, would naturally have caused a great alteration in the circumstances of a vast number of these speculators; and would consequently have induced the country banks to have recalled many of their credits, and to become cautious in their discounts, until they might be able to judge how the circumstances of their customers were likely to be affected by the new situation of affairs: but when to this were superadded the difficulties to which they themselves were subjected by the refusal of discounts at the bank of England, a common degree of prudence suggested to them the necessity of greatly contracting their former issues, and of circumscribing their business as much as possible.

Thus the circulating medium of the country was, in a shorter time than could have been expected, reduced within very narrow limits; bullion fell of course to the mint price, and it could not well fall much lower, otherwise individuals would have thrown it into the mint and afterwards issued it in the shape of coin: almost every other commodity also necessarily fell in price, in proportion to the diminution of the circulating medium. The farmer could no longer pay his stipulated rent, many of them were ruined; and themselves, their families, the laborers they had employed and their families, were all reduced to one promiscuous state of pauperism. The farmers and their laborers being no longer in a condition to purchase the articles of their former consumption, the artificers and manufacturers consequently lost their principal customers. The public creditor and stipendiary continued to be entitled to the same nominal income as before; but that nominal income, as it came to represent a much larger quantity of commodities than it had done some few years before, so it was really much greater. Much heavier taxation became requisite to meet the interest of the public debt, in consequence of the increased value of money. And as the proportion of the produce of the land and labor of the state which was appropriated to the unproductive

classes of the community then became augmented; and as the augmentation could not take place, without an equal diminution of that destined for the support of the industrious classes; and as we have already seen that the greater or less prosperity of a state is caused by the greater or less appropriation of the produce of its land and labor to the maintenance of industry; so it follows that, by the diminution of the circulating medium, in consequence of the expected discontinuance of the restriction on the bank of England, a great proportion of the produce of the land and labor of the state was diverted from the support of industry, into unproductive channels of consumption; and that the prosperity of the state has, in consequence, been thereby greatly injured.

That the general distress of the country, which became so conspicuous immediately on the restoration of peace, was caused by the diminution of the circulating medium of the country, appears evident, by the sudden transition from a state of public prosperity, to one of very great public and private distress; at a period when no other thing appeared essentially to contribute to such an effect; when the capital of the country was in no respect diminished; and when by the reduction of our fleets and armies, a very considerable proportion of the population of the state should have been turned from unproductive, to productive labor. And had Parliament, before the fall of the precious metals in our market, reduced the standard of our current coin; so that the mint price might have met the market price of the precious metals, it seems highly probable that the public distress, if not wholly avoided, would at least have been greatly mitigated. This, however, might probably be one of those measures, which, however beneficial in themselves, might have been difficult, perhaps impossible, to carry in opposition to general prejudices. It would probably have been regarded as a dereliction of public faith, and as destructive of the private rights of property. These obnoxious epithets might, however, have been more justly applied to the restriction, which first deranged the relative value of the currency of the country, than to a regulation which should maintain it at its then rate. All alterations in the standard currency of a country are attended by very serious injustice to private individuals; but when a great depreciation has taken place, and subsisted for a number of years, the currency cannot be restored to its ancient standard without at least equal injustice and injury to individuals; and if the state groan under a load of public debt, such a measure cannot be adopted, without giving the most serious discouragement to the industry of the people, without transferring a large proportion of the funds, before destined to the support of industry, to the wanton profusion and idle waste of the public creditor. The trite proverb "one man's loss is another's gain," will not be found to be always correct. When agricultur-

linguishes, not only a profusion of draught horses and farm implements are destroyed or suffered to go to waste, without any one deriving an adequate advantage from them, but even a large proportion of the land which has been recently brought into cultivation at a prodigious expense, will, unless that expense be followed up by a considerable annual outlay, and that continued for several years, revert to its former unproductiveness; and the capital already laid out will be almost wholly lost to the community as well as to the individual. In the decline of manufactures, which in every great country must necessarily follow the decline of agriculture, the implements of the manufactures, and the buildings, in which they were carried on, though originally constructed at a great expense, commonly sell for but a very small price, and a great part of them are frequently suffered to fall into decay, without any one receiving benefit from them. And as the home or foreign commerce can only flourish where agriculture and manufactures are equally prosperous; so, in the decline of these, the ship of the merchant, furnishes in fire-wood but an inadequate compensation for the charges in its construction; and his warehouse often becomes a ruin defacing the ground on which it stood. But in the decline of a state, no loss is more severely felt, than that of the education of its inhabitants: in such a state, steady employment cannot be obtained in any one occupation, and mechanics are obliged to turn from one employment to another in order to procure a scanty subsistence; and thus the advantages arising from the subdivision of labor, which have generally been acquired by means of a tedious, and often expensive education are gradually lost. In the decay of industry therefore, the capital of the community is rapidly consumed, and the means of satisfying the public creditor (if that should at any time be the principal consideration of government) is daily diminished. And,

3rdly. Exchequer bills, with which may be classed all other paper, issued by government or public bodies, bearing interest. These are all in fact nothing more than promissory notes bearing interest, with the privilege, in the case of exchequer bills, of protracting the payment of the principal at the will of parliament. These are extremely convenient to bankers, as, by investing a considerable part of their capital in them, they can draw an interest for the sum so invested, and at the same time have it always ready to be converted into cash in case of necessity. Money placed in the public funds is not equally convenient for this purpose; because, as the principal is seldom if ever paid up, its price fluctuates much more in the market than that of exchequer bills.

If, instead of the restriction on the bank of England, government had, by authority of parliament, issued certificates bearing no interest, to a fixed and limited amount; and these certificates

had been made a legal tender in all payments; every benefit which could be derived from the restriction, would have been attained, while the amount in circulation might, at all times, have been controlled by parliament; and consequently any diminution of the circulation of the private banks, might at any time have been compensated by a proportionate augmentation of the issue of government certificates. And at the same time the enormous profits of the bank of England might, in great part, have been transferred to the public account by this measure. But every resource connected with a paper circulation is liable, by abuse, to be converted into a source of public misery instead of benefit; and it is rarely that the government of any great country has acted with that prudence and circumspection, which alone can render public paper a safe and advantageous medium of exchange.

CHAP. VII.—*On the Effects of the Change of Fashions.*

AMONG the various expedients for the promotion of manufactures and commerce which have been recommended by statesmen, few have met with more general approbation, or more liberal encouragement, than that which promotes a frequent change of fashion in dress, in equipage, and in furniture. Yet it appears pretty evident, that such changes, instead of contributing to the wealth and prosperity of the country in which they are practised, have a directly contrary effect. It is admitted that one of the principal sources of the wealth of civilized nations, consists in the dexterity which their artificers have derived from the subdivision of labor, which enables the individual, perhaps for the greater part of his life, to occupy himself in the same simple operation: but every change of fashion must necessarily deprive some number of workmen of the benefit of the dexterity thus acquired, and subject them to the inconveniency and loss of learning a new occupation. They must therefore become, at least for some considerable time, if not wholly unproductive laborers, certainly less productive than they formerly were; and therefore the aggregate produce of the state must thus be somewhat diminished below what it otherwise would have been.

This rage for a perpetual change of fashions seems to be peculiar to modern Europe, and to the declining periods of some of its ancient and most luxurious states, and is, perhaps, one great reason why we have never yet been able to rival India or China in their old established manufactures, in spite of our acknowledged superiority in every part of our machinery. It may possibly have some effect in exciting the ingenuity of our mechanics; but at the same time it is certainly attended by a very great waste of instruction, and few years pass without its producing very serious distress in one or other of our manufacturing districts. The loss

sustained by a few individuals from a change of fashion, has been supposed to be more than compensated by the profits which others derive from it; and so prevalent has this opinion become, that in most of the European Courts it is considered as an act of policy for the encouragement of the manufacturers, that the fashions should be frequently altered. Yet nothing can be more certain than that such changes have a direct tendency to counteract the benefits derived to a country from great capital and extended subdivision of labor, and to bring it more on a footing with those of inferior capital and industry than it otherwise would be. Permanency in the laws, customs, duties, and fashions, is the very life and soul of industry, while frequent change is beneficial only to speculators in trade, as industry uniformly seeks the most certain, though small, gains; while speculation, contemning moderation, plunges headlong into the sea of chance; where, if unsuccessful, a part, and perhaps a considerable part, of the funds previously employed in supporting industry, is dissipated; and if successful, they are usually transferred from the maintenance of productive, to that of unproductive labor. The result of speculation in trade is, therefore, very seldom beneficial to the community at large, though it is frequently extremely convenient to a profuse and improvident government, to which the successful speculator is commonly willing to lend the principal part of his rapidly acquired fortune, and to pass the remainder of his life in the indolent luxury which its interest affords.

CHAP. VIII.—*On the Means of restoring Prosperity to Great Britain.*

IN the previous chapters I have attempted to explain some of the causes which have given rise to the present calamitous state of Great Britain; to have enumerated the whole of them would have far exceeded the limits to which I had previously restricted myself. I shall now point out those measures, by the adoption of which, I conceive the prosperity of the country may be restored; previous to which it may not be improper to examine, as briefly as possible, some of the most popular notions on the origin of this unprecedented distress.

1st. Transition from a state of war to that of peace must unquestionably give rise to a very great change in the circumstances, the prospects, and the occupations of a great number of people, in any commercial country; and as the nature and extent of that change with regard to each individual, could neither be speedily nor accurately known to the public, so the consequent uncertainty in this respect necessarily gave rise to an unusual caution in all paper transactions; and as almost the whole of the circulating medium consisted of paper, so this transition must, in the late instance,

have been attended by inconveniences more than usually great; yet this could only have extended to public inconveniences, and even that of a very limited duration. As the aggregate capital of the country was in no respect diminished by the peace, a short time must have sufficed to show in whose hands it was placed; and as soon as that was discovered, all inconveniency arising merely from such transition, must have vanished. The reverse of this, however, has, in the present instance, taken place; the general distress commenced before the war ended, and it has gone on gradually increasing since that period, till a large proportion of the capital lately destined to the employment of industry, has been unavoidably appropriated to present consumption. The malady, far from having yet shown any symptom of mitigation, becomes daily aggravated, and now threatens the body politic with a most rapid decline.

In the transition from war to peace some check is necessarily given to agriculture, on account of the large stores for the use of the army and navy which are then generally sold off, and which seldom fail to reduce the price of agricultural produce. This, however, is but a temporary check, and can seldom last above a single year.

The transition from a state of war to that of peace must generally and immediately benefit the manufactures, by opening to them a more extensive market than they before enjoyed; and this was expected to have been peculiarly the case on the late peace, on account of what was termed the Continental System having embarrassed our exportations in an unprecedented manner. But those whose expectations were most sanguine on this head, had not duly appreciated the forced exportation of our manufactures, in order to purchase supplies to our armies on the continent, and to pay our war subsidies to foreign princes. These were expenses which we could only provide for by means of the exportation of our manufactures, and for which no article of importation was received in return: and as these forced exportations were wholly in addition to the ordinary exportation to be exchanged for such foreign commodities as were in effectual demand in Britain; so it seems highly probable that our internal demand for foreign commodities will not soon so greatly increase, in time of peace, as to compensate our expenditure in foreign countries during the war: for we must never lose sight of the fundamental maxim, that we never expect any thing but to pay debt, or to purchase that for which there is an effectual demand at home.

2d. The prevailing distress has been attributed by some persons to the failure of the late crop; and no doubt this has considerably aggravated the distress of the poor, by enhancing the price of provisions; but in the year 1812 the grain rose to a much higher

price than at present, in 1817; yet the distress of that period was not to be compared to that of the present, because there was then no difficulty in procuring work, and that work was highly paid for; whereas, at present, it is a matter of difficulty to procure employment at any wages; and when the poor cannot procure work on this little consequence to them, whether provisions be dear or cheap. The failure of the crop of 1816, however, must have given employment to a number of manufacturers who would otherwise have been idle; because all the grain imported must have been paid for by manufacturers, for which otherwise there would have been no demand. The high price of grain has also probably induced many farmers to cultivate their lands more extensively than they otherwise would have done, and thus has given more employment to the poor than they otherwise would have got. And, 3d. The most general opinion attributes the present distress of the country to the high money price of the produce of land, which, say they, necessarily enhances the wages of labor, and thus renders all our manufacturers so dear, that they cannot obtain a sale in any market of which they enjoy not the monopoly. The fallacy of this argument, I trust, the reader will find completely elucidated in the first three chapters.

It appears to me, therefore, that the great efficient cause of the present distress can only be found in the diminution of the circulating medium of the country, which has thrown so great a proportion of the produce of the land and labor of the state into the hands of the unproductive classes, that there no longer remains a sufficient quantity appropriated to the maintenance of industry, to enable the laborer to sustain himself and his family by the sweat of his brow. And if this view of the subject be correct, the remedy can only be found in such public measures as may diminish the proportion of the produce of the land and labor of the state which is at present appropriated to the consumption of the unproductive classes, and thereby to increase the recompense of, and the stimulus to productive labor. This may be effected in several different ways, all of which, however, will probably be found subject to objection, and some of them, perhaps, to insurmountable inconvenience.

1st. Heavy and indiscriminate ad valorem duties on the importation of all foreign commodities, except the precious metals, I have already attempted to show, would have the effect of lowering the value of money in the home market, and of thereby diminishing the real revenue of some of the unproductive classes, particularly of those who subsist on income arising from the interest of money, whether lent to the public or to individuals. Such duties, however, when carried to the extent which could produce any essential effect in Britain, would be liable to many great inconve-

smuggling, though perhaps not more than it enjoys at present. But the principal objection would be, that as many foreign articles enter in different proportions into our manufactures for exportation, it would be exceedingly difficult to regulate the drawbacks on exportation of these manufactures, as to compensate, and no more than compensate, the duties paid on importation of the component parts. This objection, however, would be more specious than real; because, as the money price of the articles of home produce, would by these duties be raised in exact proportion to that of those imported from abroad, so they would both regulate their natural level with regard to each other, which hitherto has been very much deranged by the partiality of our duties; and it therefore appears that no drawbacks could be at all necessary, unless to encourage some manufacture which might be peculiarly conducive to the defence of the country, although not naturally adapted to it.

As our duties have heretofore been regulated, so as to give undue encouragement to manufactures above agricultural industry, the restoring them to their natural level could not fail greatly to augment the rent of land, and thereby to enable it to bear a heavy tax, without altering the situation of the proprietors in society; and as they either bought or inherited these lands when the then existing regulations had depressed their natural value, so if their real value were augmented by a new system of fiscal government, the state, and not the proprietors of land, would be fairly entitled to the benefit of such improvement.

2d. A heavy tax on the rent of land and houses, and on the interest of money, whether lent to individuals or to the public, could not fail to be beneficial; as it would greatly affect the unproductive classes, by whom it must almost exclusively be paid. One bad effect, indeed, attending such a tax would be, that it might induce some persons to withdraw their capitals from Britain, in order to lend them in other countries. But the inconveniences attending the investment of capital in a foreign country are so great, that hardly any difference of interest will induce the generality of mankind to encounter them. We have seen that in the flourishing settlement of Bengal, while the legal and customary interest of money was twelve per cent. per annum, and where failures were almost unknown, still few British subjects, who were resident in the mother country, judged it prudent to lend their money there, but rather contented themselves with four, four and a half, or at most five per cent. interest, where their property might be more immediately under their eye and management. It does not, therefore, appear that there would be any great hazard of much capital being removed on account of such a tax; and as it has been avowedly in support of the security of property that most of

the public debt has been incurred; who are so able, or can so properly be taxed, for its payment, as the proprietors of land, houses, or other wealth?

And, as almost all the appendages of magnificence are not only unproductive to the state, but most of them equally injurious to the prosperity and morality of the people, it is probable that the assessed taxes might still be beneficially augmented, in commutation of those on leather, soap, candles, and salt; which are at present principally paid by the laboring poor; and are therefore very injurious, whether ultimately borne by this class or not: because, if ultimately borne by the laborer, they must prove a great discouragement to industry, and a great impediment to the increase of population; and if the laborer can shift the burthen of them from himself to his employer, they must necessarily take much more out of the pocket of the subject, in proportion to what they yield to the state, than other taxes, which are laid more directly on the parties by whom they are finally paid; for as each person who advances the tax must have a profit on the stock which he employs in making such advances, so it follows, that the greater number of persons, who in their turn are required to advance this tax, before it be finally paid by those who are to bear it, the more it must take out of the pocket of the subject in proportion to what it yields to the state. The assessed taxes can also be levied at a much less expense than the excise on these articles, and give no opportunity to smuggling, which the excise encourages in a very eminent degree.

The greatest objection against an increase of the assessed taxes is, that it might induce many persons to go abroad; but if there were taxes on the rent of land and houses, and on the interest of money, whether lent to the state or to individuals, these taxes might be so augmented on absentees, as amply to compensate any saving which they might make by evasion of the assessed taxes.

An objection has also been made to increasing the assessed taxes, on the plea that it would discourage the use of the articles, and thereby render them less productive. But it seems probable that no mode of taxation will greatly diminish the proportion of their revenue which people usually expend; and it is hardly possible to imagine any mode of spending money on personal enjoyment which may not be reached by assessed taxes. But the assessed taxes have generally been increased at periods when other taxes were also augmented; and it is quite clear that the more a person pays in taxes, the less he can enjoy. Every additional tax, of what nature soever, must have a tendency to diminish the produce of the assessed taxes. When the last augmentation of the assessed taxes took place, many persons laid down their carriages, and dismissed a part of their male servants; but it has never been alleged

that what they thus succeed in these articles was not open to other law-writers, and it would be difficult to carry any law which it could be laid out free from taxation.

4th. The reduction of the standard of the current coin is a measure which has been resorted to by most countries in periods of distress, and is one of the most efficient, but generally one of the most unjust measures which can be adopted. Perhaps the only period recorded in our history when it could have been adopted without injustice to individuals and at the same time with the greatest public benefit, was that in which the crisis of Russia gave us a prospect of speedy peace to Europe. At that period the precious metals (except a small quantity of worn-out and degraded silver coin) were banished from our circulation, and their market price exceeded by about a half that of their value in the mint. Had the standard of the coin been then reduced to a level with the market price, and the Bank required to pay their notes in specie, no person would truly have suffered injustice by such a measure. (The public debt would have been at this moment in reality only a worthless of its present amount; and, in all human probability, the present distresses of the country would have been unknown.) By a contrary conduct, the public is now obliged to pay interest on its debts in a medium one-half more valuable than that which it received in contracting the greater part of its debt; and should any part of the principal be discharged during peace, (without which public bankruptcy must inevitably ultimately ensue) such part must not only be paid at the advanced rate of the stock, but also in a medium one-half more valuable than that which was borrowed. The industrious part of the community, (which in every country must necessarily compose the principal part of the borrowers,) are also placed in exactly the same situation as the public with regard to their creditors; they must now pay them in a medium greatly more valuable than that which they borrowed.

The period is, however, now past when the standard of the current coin could have been reduced without injustice to individuals. The paper currency has for some time been so greatly reduced, that the market price of bullion has fallen as low as that of the mint; and if the standard were now diminished, it would in many cases enable the debtor to pay off his creditor with a smaller real sum than that which he borrowed.

5th. As the interest of the public debt is now supposed to exceed somewhat the clear amount of the land rent of the whole territory of the kingdom, and as the far greater part of that debt has been contracted in the short space of twenty years, it seems altogether unreasonable to expect that either by means of economy or of increased taxation, such a proportion of it can be paid off, during any probable period of peace, as may compensate its augmentation

by another war. A debt that is due from one class of individuals in the community to another, cannot in itself impoverish the nation; but on the appropriation of the wealth of the community to the support of productive labor, or to unproductive consumption, depends (as I have already endeavoured to show) the prosperous, stationary, or declining state of the nation; and if this view be correct, it should be the paramount object of the legislature to restore to industry all possible encouragement consistent with a due consideration of the rights of individuals.

In the present situation of Britain this object is perhaps most attainable by the annual purchase, on the part of government, of a large sum of stock, to be paid for by paper issued by government, under the sanction of the legislature, and made a legal tender in all payments whatever. As this paper would necessarily suffer a depreciation in proportion to the quantity put into circulation, so it would be requisite that during the operation of the reduction of the debt, the vigilance of Parliament should be exerted, so to regulate the different taxes, that no class of individuals might reap undue advantages from such depreciation. And this would probably be found no very difficult matter in practice, as it might be dispensed with in all others, except the excise and assessed taxes, the rest being capable of regulation by a per centage on their value, which would fluctuate with the value of the currency. This measure, however, would be far from being free from numerous and weighty objections.

1st. It would be considered by many as defrauding the public creditor of that remuneration which was justly due to him for the assistance he had afforded to the state in times of exigency. It has been the fashion to consider the public creditor as a person to whom the State is peculiarly indebted by the ties of gratitude, and who should be subjected to none of the inconveniences arising to his fellow subjects, either from the necessary, or even from the profuse expenses, to which he has ministered. He is certainly, in common with his fellow citizens, intitled to justice, but it will be difficult to show on what grounds he is intitled to the peculiar favor claimed for him; or why he should enjoy a freedom from taxation, under which all others are bowed down. By the present plan the debt due to him would be bought up at such a price as he was willing to sell it at, and paid for in the currency in which all other demands were payable. In the depreciation of that currency he would only contribute his proportion towards the discharge of the public debt.

2d. It would be objected, that such a measure would be an insurmountable barrier to again borrowing in the event of renewed warfare. But if this system were once adopted, it might preclude the necessity of borrowing altogether; for by an additional

issue of paper the necessary funds might be procured to prosecute any war, and to as great extent as they can ever be borrowed at home; which in no case can exceed the quantity of stock which can be withdrawn from the employment of productive, to be vented in that of unproductive labor.

3d. It may be objected, that by this measure the merchant, manufacturer, and farmer, will escape without payment of their due proportion of the public burthens. The capital of these persons, being employed in the support of productive labor, highly beneficial to the state, ought in no instance to be taxed. The taxes which they ought to pay are on their expenditure, and on that alone. In the acquisition of wealth, the public, in the increased encouragement of industry, reaps the whole advantage; the individual derives none from it, unless by expending a part; and on such part of it as he thus expends, he enjoys the benefit of, it can alone be either just or expedient to levy a tax. Then more the individual accumulates wealth, the greater benefit he is to the State; this therefore most impolitic to discourage such accumulation.

4th. It may be objected, that a measure of this nature is calculated prodigiously to increase the rent of land. That it would have this effect there can be little doubt, but surely Parliament might, by a proportional increase of land-tax, counterbalance every evil which could arise from such a cause. What are called the landed and married interests are the most legitimate subjects of taxation in every country, because their expenditure is injurious to the State; and the more it can be limited, without discouraging too much the efforts necessary to the acquisition of wealth, the better for the State.

5th. And lastly, the most powerful objection to the issue of government paper, seems to be in the facility which it might afford to Ministers to raise the supplies necessary to a frequent recurrence of warfare, and to the most profuse internal expense of government. The same objection, however, will equally militate against every other plan of public improvement; if Parliament cannot be trusted to control Ministers, it will be difficult to find any other safeguard, either for the person or the property of the subject. Man has at all periods sought power over his fellow man, and rarely has he succeeded in acquiring it, without exerting it in acts of oppression and injustice. But few things have conducted more strongly to the power of the few over the many, than a great load of public debt, accompanied by its necessary attendants, a host of tax-gatherers. Whatever shall, therefore, tend to relieve us from our public debt, will probably be found equally conducive to public liberty, to the promotion of industry, and to general prosperity.

MANAGEMENT

THE

BOOK IN HAMBURG

IN YEARS 1788 AND 1789

BY J. H. H. H.

OF THE CITY OF HAMBURG

OF THE CITY OF HAMBURG

OF THE CITY OF HAMBURG

OF THE CITY OF HAMBURG

OF THE CITY OF HAMBURG

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OF THE CITY OF HAMBURG

OF THE CITY OF HAMBURG

ACCOUNT
OF THE
MANAGEMENT
OF THE
POOR IN HAMBURGH,
BETWEEN
THE YEARS 1788 AND 1794.
IN A LETTER
TO
SOME FRIENDS OF THE POOR
IN GREAT BRITAIN.

BY BARON VON VOGHT.

PUBLISHED IN 1796.

NOW RE-PUBLISHED BY PERMISSION OF THE AUTHOR.

LONDON.

1818.

ADVERTISEMENT.

The little Work, now reprinted, bears evidence of the humanity as well as of the profound political wisdom of its Author; and it is confidently offered to the public, in the hope that, under the present circumstances of the United Kingdom, its principles may be not only examined, but approved, disseminated, and acted upon, to their utmost extent: how far the particular practices in regard to Works of Industry may be usefully adopted, it is difficult to determine; but "where there is a will, there is a way:" local habits and circumstances must be the guides.

January, 1817.

TO THE

RIGHT HON. GEORGE ROSE, M. P.

SIR,

A COPY of the following work, published in 1796, was put into the hands of a Gentleman, who, at a parish meeting, had forcibly stated the injurious consequences from offering subsistence independent of labor, and the policy and true charity of providing some employment for the distressed poor. The pamphlet contained such evidence of the benevolence and profound political wisdom of its Author, and so much valuable information founded on experience, that we were satisfied we could not render a more essential benefit to society, at the present crisis, than by reprinting and circulating it. Through the medium of Messrs. D. H. & I. A. Rucker and Co. a letter has been received from Baron Von Voght, dated Flotberg (near Altona), 7 Feb. 1817, which has assured us of his free permission to republish the work; and that his observations in various countries, during a period of more than twenty years, on the interesting subject of the guardianship of the poor, had invariably confirmed the correctness of the opinions and regulations which it contains.

We are anxious, on the present occasion, to offer this interesting work to the public under the sanction of your name, as an acknowledgment of the high sense we entertain of your exertions to improve the condition of the laboring classes.

The noble and intelligent Author has pointed out in the clearest manner, some of the causes which have tended to increase

pauperism in this country, even at a period of unprecedented demand for labor; and the inevitable consequences of departing from that principle of sound policy on which our poor laws are founded, "*that employment, and not alms, should be given to those who have the ability to work; and no small ability may be.*" Situation and circumstances must determine the mode of employment; But the principle should be invariably adhered to; and no labor should be considered as unprofitable, that preserves the laborer in habits of industry.

Some legislative measure may be required to give permanence to any system adopted upon the principles here recommended; and to accomplish an effectual superintendence, perhaps a division of the large and populous parishes will appear the most obvious and practical method. By extending the present system of education, and the establishment of provident institutions, religion, morality, and industry, will then unite to ameliorate the condition of the lower orders of society, and thereby prevent crimes and consequent misery.

With great respect,

We are, Sir,

Your most obedient servants,

R. WIGRAM.

H. CHAMBERLAIN.

J. COTTON.

W. COTTON.

W. DAVIS.

F. SOLLY.

C. H. TURNER.

J. WOOLMORE.

J. YELLOLY.

ACCOUNT
OF THE
INSTITUTIONS AT HAMBURGH,
FOR THE
EMPLOYMENT AND SUPPORT OF THE POOR.

In a Letter to some Friends in England.

DURING a residence of sixteen months in your happy island, where a long-enjoyed security of person and property has called forth, in all ranks, the incalculable powers of human industry, and where domestic comfort rewards every exertion, from the philosopher's study down to the laborer's thatch, such a mass of powers produced, and of happiness enjoyed, strongly attracted all my attention. I admired the daily wonders of industry, the animated exertions of public spirit, and that unbounded active benevolence, become so habitual among you, that you yourselves are hardly conscious of its extent. To each of you, my respectable friends, I have been obliged individually for that information I was so forcibly led to desire: It was you that conducted me to your hospitals, work-houses, Magdalen-houses, and your new prisons, all monuments of British sensibility.

In our conversation on these subjects, I often mentioned the success of our endeavours in Hamburgh in suppressing beggary, encouraging industry, restoring health, and promoting morality, among a numerous class of poor.

You seemed all to think, that in England some consequences of the existing poor-laws made it difficult to obtain these advantages in a degree adequate to the large sums expended: that the right which a poor family has, of living at last at the expense of the parish, encouraged careless idleness: that the *annual rotation of overseers*, and the want of a uniform system in the distribution of different kinds of support, and of a general plan for making it concur in promoting the morality, and consequently the happiness of the supported class, demanded some alteration in the manage-

ment of the immense supplies allowed by that generous country to the wants of her poor.

Shrewsbury and Glasgow² have shown what advantages may be obtained, even by a partial deviation from the plans usually followed in both parts of the island! The similarity of the principles they had adopted, with those to which we in Hamburg owe our success, was striking, and induced you to desire me to give you a more circumstantial account of our institutions.

It is certainly a duty in me, to give you back the little I can give, for the much I have received. The reason why I do not think it unworthy of your notice is, that it is not an ideal scheme, easily formed by a warm heart and a lively fancy; but a real experiment, tried for these six years past, in a population of one hundred and ten thousand inhabitants, who have the misfortune to feed above seven thousand poor, besides two thousand five hundred in their different hospitals. Give me leave, before I proceed, to offer a few general observations, of which the following sheets will contain the application.

Nature seems to have destined all her children for a state of continual exertion: and their perfectibility perhaps depends on the unceasing exercise of their powers for ends never completely attainable. These objects increase in number with the more enlarged sphere of our ideas. In the most numerous classes of men, bodily wants are the main object of their toil, and they struggle only to preserve life. In this contest with necessity all are not equally successful, not equally attentive, assiduous, sober, saving, orderly, honest, and prudent. We generally blame them for it, as if those qualities were so very common in the higher classes, and as if corruption did not always spread from the higher to the lower orders.

Among these poor there are not only victims of incapacity,

¹ The poor rates are allowed to amount to two millions and a half sterling*. It is certainly under the truth to state at a million more, the sums expended through the island in hospitals of all kinds, and in work-houses: if to this are added those large sums distributed annually by the beneficence of the noblemen and gentlemen at their country residences, and numberless subscriptions for immediate relief, &c. I make no doubt, that the sum of British charities amounts to near five millions a year. This is certainly too much. Supposing the extravagant proposition of one man in ten wanting support: in a population of nine millions, 5*l.* sterling would fall to the share of each pauper, out of which undoubtedly one-fourth part is able to perform some work, and the half capable of doing a fourth towards earning their subsistence.

² Vide Mr. Wood's account of the Shrewsbury House of Industry, 1792, Dr. Porteus's Letter on the Management of the Poor Funds in Glasgow.

* Now, in 1817, upwards of eight millions, and private and public benefactions have increased in the same ratio.

folly, and vice, to whom public justice owes instruction and correction: I am afraid by far the greatest number of poor in Europe are of a very different description.

Through a concurrence of numerous circumstances, the price of labor and of the necessaries of life are in a very unfavourable proportion for the poor in most countries of Europe. A man who lives by labor, but requires nothing but bodily strength, has still a right to expect such wages as may enable him to live comfortably; this, in Britain, is to live in dry and healthy lodgings; eat sound provisions, sufficient to support his labor; to be covered against the inclemency of the weather, and to appear with a certain cleanliness on Sundays; to rear his children decently, and lay by something to live upon when age has deprived him of his strength. This is indeed the situation of the laboring poor in all new societies of men: there he earns even beyond this, till augmenting population lowers the price of labor, and raises the necessaries of life. Hard labor then procures him no more than a small pittance, upon which he barely lives; little for comfort, less for the education of his children; and nothing to depend upon in those times when labor is wanting; when sickness confines him, or a rigorous season requires more food, more clothing, and more firing; then he sells or pawns his bed, his tools, his every thing, till despair takes from him sobriety, order, assiduity, and economy: he first is tempted into drunkenness by his misery, and, by a fatal circle, is miserable for ever by the habit of drinking. Sloth, beggary, and all the train of vices that attend them, completely destroy his industry; and if this situation has lasted for some time, *he is irrecoverably lost to order and regularity.*

In the south of Europe, where the climate is mild, and men want but little food, less clothing, and hardly any shed, numbers live the life of a savage in the midst of civilization, reconciled to it by habits of security and independence, and by the indulgence of libertinism and idleness. Thousands throng at the gates of the monasteries in Spain for some soup; which they receive as a tribute; and in Naples forty thousand lazaroni are dreaded by despotism itself.

In those countries, adultery and prostitution are common, the sources of life are tainted by dreadful disease, spies are easily obtained, and assassinations are cheap.

In northern latitudes, where more food, more clothing, and a house are wanted, the effects of misery are more severely felt. Many, many fall a slow sacrifice to chill penury, and starve for months or years. But here the remedy is much easier. Pity prompts to relieve obvious distresses, and the sharpness of want urges men to its antidote, *labor*. In repairing, however, those

evils, which society did not, or could not prevent, it ought to be careful not to counteract the wise purposes of nature, but give the poor a fair chance to work for themselves. *The present distress must be relieved, the sick and the aged provided for; but the children must be instructed; and labor, not alms, offered to those who have some ability to work, however small that ability may be.*

In all the west of Europe, there is hardly a country where the sums which public and private benevolence bestows upon the poor, are not more than adequate to those purposes; but mismanagement has employed them with very few exceptions, as a reward to sloth, idleness, impudence, and untruth; and has reared new generations of poor wretches, brought up to a life of disgusting profligacy.

Unthinking pity has rashly stopped that natural course of things, by which want leads to labor, labor to comfort, the knowledge of comfort to industry, and to all those virtues by which the toiling multitude so incalculably add to the strength and happiness of a country; and while it neglects that respectable poverty which shuns from public sight, it encourages, by profuse and indiscriminate charities, all those abominable arts which make beggary a better trade than can be found in a work-shop.

The greatness of the evil must at last carry a remedy along with it. It was intolerable in Hamburg, when the public, disposed by some speculative discussions on the subject, and encouraged by some private successful exertions, resolved to make it the object of their serious consideration. They largely contributed the money that was requisite; and what was a still greater sacrifice, many of them gave their personal assistance in guiding the benevolence of their fellow citizens into a proper channel. Two hundred of our most respectable inhabitants have been thus employed for the last seven years, and, during that period, hardly a beggar has been seen in Hamburg.

The following general account will, I flatter myself, show, that we not only did much towards the relief of the poor, but that we gained some steps towards the more desirable, yet but slowly attainable end, *the preventing some of the causes of poverty.*

As a still more minute detail, however, may be desirable for those who actually engage in such an undertaking, I must refer to a volume of laws and bye-laws, printed at Hamburg, 1788; and to a volume containing sixteen reports, given successively to the public from 1788 to 1794. They are deposited, along with all other papers concerning this establishment, with Mr. Creech at

This fact is corroborated by many merchants of the city of London who witnessed this extraordinary effect.

Edinburgh, who will be so good as to communicate them to any of those to whom this letter is addressed.

To the general causes of poverty, in Hamburg, we have to add, the inclemency of our winters; the fluctuation of several branches of trade, on which the poor depend for their subsistence; the number of people attracted out of the poorer adjacent countries, by the expectation, often disappointed, of finding employment or support in a large commercial town, whose inhabitants have ever deserved the reputation of generous benevolence; and lastly, the extraordinary low wages and number of female servants, whose wages on an average do not exceed 2*l.*, and whose number is computed to be near fifteen thousand, and I am sorry to add, that meat and bread pay from 15 to 25 per cent., and beer several taxes exceeding 60 per cent.

It is evident that a number of women must remain unprovided for, when their age renders them unfit for service, and the number being limited within the walls of the town, our Holsatian and Hanoverian neighbours have a great advantage in carrying their manufactures in competition with our poor.

Some years previous to 1788, a society had united for giving relief to the indigent sick. Another society had procured flax and spinning-wheels, established a spinning-school, and given work to all those who chose to work; their number yet was comparatively small.

Some other humane gentlemen made personal visits among the poor, and, by giving their history to the public, awakened its attention to the sufferings of this numerous class, showing, at the same time, the necessity of a general measure.

I lay some stress upon these preliminary essays; partly from my conviction, that the success of such an undertaking depends wholly on the degree in which the public at large is satisfied of its necessity; and partly, because I think that no man is entitled to recommend the execution of any important plan, till it has been already tried upon a smaller scale, and till its parts are in some measure organised for immediate use.

The magistrates took up the business with a zeal adequate to its importance; the outlines of a plan were agreed upon; it was decided, that such revenues as had hitherto been expended in alms by the several church-wardens, and those whose administration had been connected with the work-house, should be united under one administration, with those sums that could be neglected from private benevolence.

The representatives of the citizens went round through all the houses in the different parishes to solicit annual subscriptions,

Every inhabitant in rotation went round weekly, collecting among his neighbours; and the most respectable of our inhabitants made it a point to collect in person.

The town, after an average calculation of the number of poor in the several parts, was divided into sixty districts, containing each a nearly equal number of poor.

To each district three citizens were chosen for three years; and the number of wealthy and respectable men who offered themselves for the severe task they were to undergo, will for ever furnish a bright page in the annals of civic virtue in Hamburg.

Five senators presided at the board of a committee, composed of ten members (whom I shall call *directors*), and who were chosen for life.

In their meetings, to which (analogous to the organization of those boards by which public business is conducted at Hamburg), several other members of the community were added for the most important decisions, the whole of the plan was, during six months, fully prepared for execution.

For the use of the above-named one hundred and eighty gentlemen, whom I shall call *overseers*, very ample instructions were published.

Actual relief was the first object; for we all were convinced of the barbarity of preventing beggary, when provision for weak want is not previously prepared; but at the very moment that this provision was secured, measures were taken to prevent any man from receiving a shilling which he was able to earn for himself.

This is the basis of every solid provision for the poor; with it every establishment must stand or fully become the blessing or the bane of the lower classes of society.

Our overseers had printed interrogatories, which they were to propose to each poor family. The answers were written upon the white column of the page, and verified by a personal visitation, and the evidence of their neighbours, and many queries were framed to discover the averages earning of each member of the family; but this was not a point easily settled.

Few answers were sincere; and it being the interest of the poor to make their capacity for work appear small, all the tricks were employed which the habits of beggary had rendered too familiar. The state of health was determined by a visit from a physician and a surgeon.

We now began to make an exact calculation of what each poor man wanted for bare subsistence; we went down as often as five weeks: but in the course of our investigation respecting the earnings of 3500 families we were astonished to find that we were

still above that sum with which a considerable part of our poor could make a shift to live.

It was our determined principle to reduce this support lower than what any industrious man or woman in such circumstances could earn: *for if the manner in which relief is given is not a spur to industry, it becomes undoubtedly a premium to sloth and profligacy.*

Very little was still gained: for the poor might even with the bare pittance remain idle, or they might receive this support very undeservedly, if, in the mean time, a more lucrative employment had offered; the want of which was the cause or pretext of their claims.

At this period of the business, that private society, which had successfully established a flax yarn-spinning manufacture, gave over to our institution, the stock, the organization of the whole, the very able teachers and officers, and all the experience acquired in several years.

Six-sevenths of our poor being women and children, we fixed upon this kind of work; because,

- 1st. The material is cheap;
- 2nd. The sale always sure;
- 3d. No nice workmanship is required;
- 4th. It is easily learnt, and of use at all times to the instructed poor;

5th. It can be done by weak and robust, by old and young people, with a difference in the produce of labour proportionate to their capacity for work;

6th. Because the work can be exactly ascertained by measure; and by seeing a woman spin an hour, it is perfectly easy to say what she is capable of doing in a day.

A most essential point was, to regulate the spinning by the measure, and not by weight. We sold the clean flax to the poor at a certain low price, and bought a certain measure of yarn again from them at a high price: thus, to whatever fineness the yarn was spun, it was the profit of the poor. This price was 30 per cent. above the usual spinning price; so that we were sure that all the yarn would be brought into the office established for that purpose. Every pauper brought his book continually with him, wherein the quantity delivered was noted; thus he had always with him a certificate of his industry, and we, a continual average of the state of industry of our poor. But this establishment procured us many still more essential advantages: we could now safely offer relief to all sorts of poor, because we had it now in our power to make them comply with the only condition required, that they should use towards their support all the exertion they still were capable of. Accordingly the overseers went through their districts, and asked

in all such mansions as could be supposed, to harbour want, if the inhabitants stood in need of support. The question to all such poor as wished for relief, and were able to spin, was, whether they did earn by their work 1s. 6d. a week? for experience had taught us, that many poor lived upon that sum, and we knew enough of our poor to suppose that 1s. 6d. allowed earning was something more.

If the answer was affirmative, the pauper stood not in need of weekly assistance.

If it was negative, we gave him work, which, being paid 30 per cent. above its value, afforded him 1s. 6d. a week easily, if he was even an indifferent hand. The far more frequent cases were, partial inability by age, or weakness, or want of skill. For poor of the latter description, a school was opened, and, in three months' time, the business was easily learnt. During that time, the pauper got first, 2s. a week, and every week afterwards, 2d. less, till in the twelfth week he got nothing at all but his own earnings, and was dismissed with a wheel and a pound of flax gratis.

The quantity of work which disabled poor were capable of doing in a week, was easily and accurately ascertained by a week's trial in the spinning-school. The result was produced weekly before appointed members of the committee, and the sum, which the poor could earn, was noted down in their small books. The overseer was directed to pay them weekly what their earnings fell short of 1s. 6d. in every such week, when it appeared from their books that they had earned to the known extent of their abilities.

From that moment, applications became less frequent; and we had an infallible standard for distinguishing real want; for whenever the pauper, if in health, (if not he was peculiarly provided for), had not earned what he could, then he had either been lazy, or had found more lucrative work; in either case, he was not entitled to a relief for that week, whatever he might be for the following.

This has constantly held good during these six years; and, whenever, by some relaxation of regularity on the part of the overseers, the relief has been in some years larger, we always found, that the thermometer of industry had been lower, viz. less yarn spun; and that, whenever, as in the summer, 1792, the principle was enforced, the industry again increased accordingly.

I have been the more particular here, as I am convinced, that it is to this measure alone we owe our success.

It is obvious, why it was desirable to choose but one kind of work, because in this way only the different degrees of industry in the different poor could be compared, and why such a kind of work was chosen, as could leave to no under office the smallest arbitrary power: a kind of work, lastly, where it was impossible to be cheated

either by the poor, the seller, the buyer, or the servant.

This gave a pivot to the whole superstructure, and a simplicity to our complicated machine, without which I do not think it could have stood one year.

This simplicity lost very little by our employing the men and boys in making rope yarn, picking oakum, or cleaning the streets and mending the roads at 4d. a day. All this work was calculated upon the same principle.

But want of employment for poor in tolerable health was one source of misery; old age and incurable diseases, sickness, and the difficulty of supporting a numerous family, were evils which also called for assistance.

For the first, we provided an hospital; and, in some cases, gave to individuals the money which the boarding in the hospital would have amounted to.

Five physicians, five surgeons, and as many midwives were appointed, one for each twelve districts; who, upon the request of the overseer, (a request which he was bound to make whenever applied to,) went immediately to the lodgings of the patient, if he was not able to appear at the appointed hour of the day at the physician's or surgeon's house, who was obliged to make an immediate report, and to note down in a book, kept at the house of the directors of these twelve districts, how far the cure was advanced, and the moment when the patient was able to work again. Till that moment, the physician prescribed, not only the diet, which was obtained, according to previous contracts, from the traitours of that quarter of the town, and the medicines, which were made up at very low prices after a pharmacopœia pauperum which we had carefully revised; but he informed the overseer of what money he thought necessary for supplying the want of labour, and the extraordinary expenses. This made a particular article of support, under the name of sick money, which was given with the greater liberality, as no bad effects could possibly arise from indulging here those feelings, which it is the hardest task of every overseer to restrain.

A numerous family is too heavy a burden, not only for poor reduced to the lowest earnings, but even for many an industrious couple in a better way of employment; too heavy, in all cases, upon widows.

Two ways offered to provide for them; the one, to take such children into an hospital; the other, to give to the mother an allowance in money.

We were very averse to the first, and the poor mothers would have been still more so. May all the favourers of those houses, such as they are, seriously reflect, if the advantages they offer can compensate for the education of the heart which nature yields in

those huts of poverty, where both parties become so necessary to each other, and where heroic exertions of parental and filial piety, are not seldom become habitual. Could the humane and philosophical overseer look through the rags and the filth of pale misery; calculate the sacrifices daily made in many families, and amongst neighbours; and enjoy the rapture with which a mother embraces her son, whom she sees swallow the crumb of bread she refused to her own wants; the annals of the poor might reconcile him to human nature, when disgusted with the list of crimes which blacken the page of history.

On the other hand, it is but too true, that misery and drunkenness, particularly in the male poor, lead to the neglect of their unhappy children: nor can it be doubted, that in this manner many fall victims to wretchedness and immorality.

Wherever children under six years of age were in this unhappy situation, we intended to board them in the houses of the better sort of poor: and many a good motherly woman we found, who became an excellent nurse.

In other cases, we allowed the mother from six to twelve pence a week for each child; and we are now busy in preparing in every parish a warm room, and bread, milk, and potatoes in plenty, where such parents as go out to work may deposit their children during the day, and thus prevent any obstacle to their own industry, or to that of their elder children.

We determined to oblige them to send all their children from six to sixteen to school, in which they shall work two thirds of the time, and the remainder of it be instructed in reading, writing, casting accounts, religion, and church music.

We determined, and this is the second hinge upon which the institution turns, that to no family any relief should be allowed for a child past six years; but that this child, being sent to school, should receive, not only the payment for his work, but also an allowance, in the compound ratio of his attendance at school, his behaviour, and his application to work; which amounted to an average of twelve or eighteen pence a week, exclusive of other premiums.

By this measure the number of children, far from being a burden, became a great convenience; for the greater number of individuals messing together at a certain rate, the better their fare, and cheaper.

By these means we as effectually excluded those parents who did not wish to send their children to school, as we had excluded those that did not choose to work, and children became accustomed to look from their infancy upon the means of subsistence, as the recompence of labour, or at least of exertion.

How this was modified, and what other views were obtained by it, will appear hereafter. I wish only to state the principle here.

In the above proportion of 2s. a week an allowance was made for lodging; but as this is paid every six months, and the pauper receives his allowance weekly; it seemed to us to require more than common fortitude in a person thus circumstanced, to refuse to himself the much-wanted comfort which the 4d. a-week (he ought to lay aside for house rent of his family) would have procured him, were it continually in his reach; he would, of course, run in debt, and become ruined again.

We reduced, therefore, twenty-four pence to twenty pence, and paid his rent to the landlord; and thus we not only got him out of debt, but procured him a warmer and more comfortable lodging than what otherwise he could have a right to expect.

In the mean time, while we were employed in establishing schools for five or six hundred grown poor, and schools for above a thousand children, and in organizing our medical establishment, the overseers had prepared for the board, as the result of their inquiries, a complete list of the poor, and the necessary details with respect to each of them.

We knew now all the poor, and having provided means for their relief, we announced to the public, in October, 1788, that from that moment no deserving poor person could, nor would remain unnoticed. We had lists printed, distributed, and annexed to our almanacks, where the names of the streets which had fallen to the lot of each overseer, were enumerated, so that no pauper could plead ignorance of the place where to apply, nor any man in Hamburg give more effectual assistance to the poor, than in directing them to the proper places.

We distributed instructions by thousands among the poor, how to procure and to employ the offered relief.

We entreated the public to inform the directors, if any pauper had not been duly attended to; and I must add, to my infinite satisfaction, that I know of no fact, during six years, where this neglect has been proved.

Of course, all giving of alms ceased, *the only effectual way to extirpate beggary*. The very wise law, which fined 2l. every man who gave charity in the streets, or at the doors, was scarcely found to be necessary.

To secure the execution of so complicated a plan was rather difficult; but we have been so fortunate, that, small variations excepted, the machine has gone on these seven years with much less friction than could reasonably have been expected.

This makes it worth while to enter here into some further details.

The three overseers appropriated to each district, after visiting and examining the poor, ascertaining the number of their children, and informing themselves by the report of the physicians, of their ability to work, determined, agreeable to the rules above mentioned,

1st. Whether any weekly relief was to be allowed, or if only work was to be given.

2. Whether bedding or clothing was to be bought, goods pawned to be released, or old debts to be extinguished.

3. Whether sick or school tickets were wanted.

At the same time they communicated to the Board what they could collect about the morals of the pauper, and their opinions concerning his circumstances.

With regard to the first point, I must beg leave to make the following observations:

The situation of our poor in summer and winter is totally different. Every kind of manufacture and garden work goes on during the former season, at the same time that provisions are plentiful and extremely cheap. During the winter most kinds of labour cease, provisions get dearer and scarcer, and fuel and warm clothing are new wants.

It was absolutely necessary to make different allowances, and accordingly we adapted our interrogatories to the period, in such a manner as to ascertain every change of circumstance materially influencing the relation of the poor to the institution. The new support was regulated agreeably to the information we received, and amounted generally from four to eight pence more in winter than in summer. During the most severe winter weeks, four-pence was still added if extraordinary cold happened; but the weekly relief was fixed never to be above twenty-four pence, in whatever manner it was paid. We did not allow a larger sum, whatever might have been the former situation of the poor. This may seem hard in some instances; but we were convinced, that if the least door was opened to the inequality of distribution, the bad consequences would have been incalculable in an institution of this magnitude; as all we could do by the strictest rules, was to make 180 gentlemen act in every quarter of the town in conformity to these principles. We thought further, that if those poor had formerly been in a more respectable situation, they would be worthy objects of private benevolence, of which no public institution ought to supersede the exertions.

2. We found the poor destitute of every thing; therefore not only clothing and bedding were required, but their things being

pawned, it became necessary to redeem them. The only effectual way to prevent their pawning them again, was to mark them indelibly as the property of the institution, which the pauper was to hold only as long as he behaved well.

9. I have already said, that a sick-ticket excepted a pauper from the common rules, as long as it was continued, and that a school-ticket for a child was considered as 12d. given weekly to the parent.

The proposals of the overseers about the weekly allowance of the poor, were brought to one of the members of the committee, each of them superintending six of those districts. He was advocate for the institution, as the overseers were for the poor, and all cases being much simplified, they easily agreed.

The director made his report to the board, with respect to each district, separately; and the resolution settled for the next six months was then written down upon the same sheet of paper which contained all the queries made to the pauper, together with his answers; which paper always remained with the overseer after its contents had been brought into tables in the director's book, containing an account of all the poor of six districts, and their weekly relief. He received weekly from the overseer the account of what was wanted for his fixed support, for occasional relief to the sick for accidents, and for discretionary assistance to the poor whose cases could not yet be investigated.

This account of the overseers was certified by the director, and then sent to the treasurer for payment.

The treasurer made his balance every week, and presented it every month to the committee, when the ten directors presented theirs, which checked each in such a manner as to make any error impossible.

The books were closed every Saturday; and out of the very numerous payments made by the treasurer in a year, the smallest could be found out in a quarter of an hour.

Very soon we found the number of ten directors too small; five others were added, (they are always taken out of the number of the overseers,) who constituted a committee:

For the manufactures.

For the schools.

For the procuring of clothes, and

For the police of the poor:

All of them have several officers, keep their accounts separate, and once a month give them to the treasurer and to the board.

The division of every kind of expense is so scrupulously kept that no particular branch could be mentioned, of which the account in certain given periods could not be immediately made out.

After several repeated trials, we found that there was a great waste in leaving the distribution of clothing to the overseers alone; partly because they paid too dear, by creating a competition of many buyers, and partly by giving without control.

This committee, therefore, bought the cloth, and had the shirts and clothes made by some of the poor, employing this kind of work at the same time as a means of instruction for their children in the schools. The pauper who stood in need of clothing, presented to the committee a recommendation, signed by the overseer and the director, and then got the clothes.

Children got shirts and clothes only through the committee superintending the schools, according to their behaviour.

4. Hamburg is unfortunately situated in this respect, that, from all the poor countries surrounding, numbers flock in, and among them many foreign poor. It was established, that three years' residence should entitle to relief; allowance at the same time being made for accidents, illness, or child-bed, which in all cases were thought proper objects of charity. A hospitium open for foreign poor, where they could live three days, after which they were forwarded with a viaticum. At the same time, it was prohibited to receive a stranger, without acquainting the magistrate or the overseer, under the penalty to bear alone the expense of maintaining the man, if he should become an object of charity within three years.

Upon these principles we began our institution in October, 1788. We had before-hand given to the public the most minute detail of our views, and of the obstacles we met with, requesting its advice at the same time that we solicited its support. We continued to give two reports yearly; one containing the history of the institution during the preceding year, about the time of the new subscription; the second containing the yearly balance and an explanatory account. The originals were left open for the inspection of the public at large.

A short extract of these reports will best shew the result of our endeavours. I shall arrange them according to the objects of our expenses, adding necessary illustrations; taking only the first and the last year, unless some observations occur on the expense of some particular years. I refer, at the same time, to the table annexed, for the general comparison of the expenses of the several years.

1. We found 3903 families, making 7391 individuals, four sevenths women, two sevenths children, one seventh men, in the highest want of immediate relief. A great part of them had not seen a bed for many years; and the misery of those who were not yet turned beggars, exceeded all description.

The sum paid in weekly allowance, during the first eight months, on an average of twelve pence a-week for each family, was	£6729
During the second year	8297
Third year	9318
Average of the first 2½ years	9129
The house-rent allowed to the poor was	2100
	£11229

The first clothing of this alarming number of poor would indeed have exceeded even the powerful support the institution enjoyed, had not our ladies largely contributed ready-made shirts and clothing, as soon as they knew how much they were wanted. Still this expense was, on the average of the first three years, 977*l*. It may not be uninteresting to add, that we tried in the first year to buy potatoes and fuel for the poor, to distribute amongst them at the first cost. But experience shewed us, what I have seen confirmed every where under similar circumstances:

1. That it is impossible to prevent waste, if not robbery.
2. That the poor have a dislike to what you oblige them to buy.
3. That giving large portions, you encourage the practice of selling it out again.
4. That when small portions are given, the loss of time for fetching them, which is considerable when such a number must be provided, makes it expensive to every industrious pauper, even if he was to get them for nothing.
5. That the necessary housing and storing, together with the number of necessary officers, make it very expensive to the institution.

We found it cheaper, and the poor found it more convenient to receive, instead of the extraordinary supply, four-pence a-week, and to buy for themselves. Some overseers took the trouble to provide it for fifteen or twenty families under their care; where this was done, the poor got it best and cheapest.

A different plan may do, where the community is very small, or where the poor are not taught to know the value of their time.

The depth of misery in which we found our poor subjected us to another unexpected expense. The itch was become so general, and had so perfectly infected the work-house, to which some poor were always sent for correction, that neither there nor in the narrow lanes and alleys, where the poor live crowded together, was the cure possible. We were obliged to establish a temporary lazaretto out of town, where we sent the most infected; and in three years made

it superfluous. This occasioned an additional expense of 438*l.* in each of the first three years.

A very heavy expense was incurred by the purchasing of spinning wheels and other tools, and by the establishment and maintenance of a school; where, for the first years, five hundred poor at a time were taught to spin; the indemnification for their loss of time during learning, was paid them, as well as the loss upon their work. The sum of these expenses amounted to 1175*l.* a-year. But after three years, two thousand poor, who at the time they entered the school, could do nothing at all, did earn from eighteen-pence to twenty-pence a-week, at such time and at such hours as were formerly quite lost to them; and the din of industry was heard where sloth or riot had inhabited before.

Our schools, which at the time of their establishment were a collection of the most abandoned and profligate children, most of whom had been used to beg, required a great length of time before they could do even as much as to give to these unhappy creatures the habit of fixing their attention upon any work, not to speak of instruction. *Gentle means and perseverance got at last the better of great part of the vices that grow in children who are trained up to begging.*

Our medical institution got sooner to its perfection, and I must refer to an excellent report on that subject, in the first volume of our yearly reports.

It is a fact, that in three years the number of sick had been 12969, whose cure had, including broth, &c. not cost 3*s.* 6*d.* each.

It is evident how much we saved by not having a salaried apothecary, nor a particular appropriated house.

We employed always some poor women as nurses, when the family could not attend the patient, and found them of very great use in fetching the medicines, and reporting to the physician the health of the patient; and with this slight addition, we thought that (a very few cases excepted,) the result of our experience was unfavourable to hospitals.

The patient is more comfortable in his own bed amongst his family and his neighbours, gets into no habits of idleness, and employs usefully the moments of his convalescence. The fact proves, that it is also the cheapest method.

Our expense at the end of three years, amounted to £44085

It had been annually increasing; private charity ceasing, all poor at last had recourse to the means offered them: from a corrupted race, however, little good could be expected; and what education we had been able to give, could not yet have any sensible effect. It was

still the time of struggle; but the public, who always knew perfectly all circumstances, support us cheerfully, notwithstanding the receipt of - - - £41596

Which in three years (vid. Tab.) fell short of the expenditure by the sum of - - - 2489

Desirous, on our side, to save for the public what we possibly could, we subjected again all our expenses to a new scrutiny, of which the result is contained in the fourteenth report. It seemed that the overseers had slackened a little in attending to the work of the poor. The committee for the manufactures had found, that in 1791, but half the usual quantity of yarn had been spun; yet the allowance had rather been increased, without an augmentation of the poor. The rules were anew enforced in the beginning of summer, as the most proper season; and at the approach of winter, all those who needed assistance from want of work, instead of getting the usual augmentation from the overseer, were sent to the committee, who either gave them work, or procured them employment from tradesmen and manufacturers, with whom they had connected themselves for that purpose. This was in some respects expensive, but became a very great saving, as it had this effect, that out of 276 poor who applied for an augmentation of allowance from want of work, *only forty accepted of the work offered them.* During that year 3000 bundles of yarn more were spun, 300 children more went to school, and the institution saved 1250*l.* which would have fallen to the share of idleness, and which is nearly the amount of the greater earnings of the poor in that year.

I insist upon these facts, because they prove, not only the wisdom of a measure which makes the relief of the poor dependent on their industry, and obliges them to a kind of work, the produce of which is the undoubted measure of the exertions they employed; but because they prove also the necessity of enforcing this measure, daily enfeebled by the cunning, and the obvious misery of the lazy poor, operating on the sensibility of the overseers. It is undoubtedly the most difficult part of their duty to shut their ears to the cries of misery, and leave those to their fate who will not comply with the conditions under which they are to be relieved. We have seen incredible instances of hardship suffered, rather than go to work, or send their children to school. If, in single instances, indulgence is shewn, *where, according to law, it ought not, then all is lost;* abuse creeps in, and in a short time this weekly allowance becomes a pension, *that supersedes the necessity of working:* then it becomes a matter of protection, and the whole a system of corruption; worse a thousand times by being systemized, *than if no provision had been made,* and if every thing had been trusted to chance, and to the exertions of private benevolence. These pre-

miams held out to vice, must of course increase the number of the idle and the profligate; and what must be the feelings of the honest industrious workman, who, with the honest exertions of his strength, hardly earns the bare necessities of life; when next to his door sloth sits in undeserved ease, and reaps where it has not sown.

It is literally true, that where no man can want, many will be idle; and that the natural course of things in ninety-nine cases out of a hundred, would have forced the wretch to labour, and perhaps secured him comfort; if pity, like an unskilful physician, had not stepped in, and by a palliative remedy prevented the cure. I think then, that we may safely ascribe the success I am going to shew you in the account of the last year, to our steadiness in adhering to this fundamental principle. It was from the beginning of 1792 we began to feel its good effect.

In 1793 the number of poor families was reduced to 8234, to more than 1-6th less than what they were at the time of the establishment; the sum of their allowance in money and house-rent to 9678*l.*, which is 1432*l.* less than the average of the first years.

Yet this difference is so little owing to an increase of mortality among the poor, that we have, on the contrary, witnessed the most satisfactory effects, not only of our early assistance in sickness, by attention, medicines, and better diet; but I think still more, by cleanliness and comfort of dress, warmer lodgings, and the prodigious influence industrious activity has upon the constitution. In the year 1790-91, the number of new claimants was 431. In 1792-93, 119.

The reduction of this traffic of beggary, as soon as it was known, was so profitable to our city, that in the year 1792, only 126 vagrants were sent out with a viaticum, when the number in 1791 had been 272.

Not only the number of sick among our poor had decreased from 3710 successively to 2672 in 1793, but the mortality among the sick had diminished in a surprising proportion:

In 1788-89	. 7 per cent.
1789-90	. 6
1790-91	. 5
1791-92	. 4½

The private medical institution that preceded ours had an average mortality of 11 per cent. May all good and humane men share the heartfelt pleasure with which I relate these facts!

The better clothing of the poor was now mostly confined to the children, whose rags were now all changed to decent dress; yet the average expense of the last three years was not above 689*l.* per annum.

The schools for teaching spinning to the grown people were no longer necessary. 3354 spinning-wheels had been distributed to such as had proved themselves able to spin. Several hundreds of these were constantly, and all of them occasionally, employed in spinning, when a more lucrative employment was not to be found. The average of all expenses attending the employment of the poor, during the last three years, including the loss at the sale of the manufactured goods, was 611*l.* per annum. We calculated that, to procure to a pauper the means of earning, in the worst case, five guineas a year, had cost us half a guinea.

I trace with pleasure these progressive steps, by which our institution, after having relieved the first wants of the poor, enabled us to apply a greater share of our funds and of our attention to one of the most effectual means of preventing misery *the better education of children.*

A plan had been laid down and agreed upon, in 1788, which we now began to execute, but on which many improvements remain to be made. It is contained in page 144 of the reports.

Thus far we had, in 1794, been able to proceed.

We had established three kinds of schools, one for such children as had no other employment. After the proper divisions of sexes and ages, they were again divided into classes, where their employment changed with their age; spinning, knitting, weaving, and plain work, were taught in the different classes of the school of industry: but we took care to make the instruction in the schools, of morality and religion, reading and writing, go hand in hand with the increase of their capacity for work; so that, at the age of sixteen, we might with safety recommend them to places in decent families. We were so lucky in 1792 and 1793, as to put about 260 girls and boys into service, who a few years before were covered with rags and vermin, weakened in their constitution, and immersed in vice. The boys went to sea, or to different trades. Most of them have turned out well. The number of children that in 1793 had been in the schools was 2046.

We not only made a point to finish entirely the education of these children, but whenever they left service again, we continued to offer them such a temporary support, as might diminish the danger of their relapsing from actual want, into vice and profligacy.

2. For other classes of instruction, schools were opened in the evening hours, for such children as work in the day time for manufacturers, or for their parents, and who gain in that manner more than they can or ought to gain in our establishment.

It is perhaps not out of place to observe here, that we were very anxious to know, what could be gained by the poor children, at a

very moderate rate of wages, when employed in constant work that required no particular skill; as we were determined to pay their labour something lower than the rates paid by the manufacturers; as the prejudice to the individuals, and the detriment to industry, that must necessarily result from the smallest inattention to this point, is obvious.

8. We established Sunday schools for such children as were employed through the whole week, and which many of those girls continued to attend, that had been brought into service.

In these schools, there were now upwards of 600 children, all of such parents as received support from the institution, and whose decent appearance in the Sunday schools was remarkably pleasing.

The average amount of the expense for the last three years, was 0*l.* per annum.

The whole amount of our expense for the year	
1793-94, amounted to	£ 14,773
Our revenues were	16,917

Hence an exceeding revenue	£ 2,144
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It is but justice to the beneficence of the citizens of Hamburg to mention, that this increase is greatly owing to their contributing largely to put the revenue upon an equal footing with the necessary expenditure.

Our institution has only two sources of revenue, independent of public benevolence, and of the satisfaction of the public with the measures of its administration.

They are, a contribution levied upon the apparent fortunes amounting to	£ 2,000
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And half per cent. of the amount of goods sold by public sale, with one quarter of the brokerage of them.	
This upon an average is about	2,300

£ 4,300

Thus the institution is dependent for more than ten thousand pounds on the annual charity of the public.

This joined to the publicity of the accounts, is, I believe, the third cause of success.

It is this only that prevents all institutions of this kind from becoming a job, the directors from being careless of the public approbation or censure, and the whole administration from falling into the hands of under-officers, who afterwards know so well how to embroil the business, that no subsequent one ever is able to unravel the clue,

This at least is the history of nearly all the workhouses and many hospitals in Europe.

It may be worth while to remark, that in an institution, where 14,000*l.* are yearly received and paid in small sums, and where books of every description are regularly kept; where the subscriptions must be collected; and where, beside personal attendance, numberless messages are necessary between the directors and the overseers, the overseer and the treasurer, and the overseer and the poor; that all these details are managed and executed by eleven officers, whose salaries do not exceed together 400*l.*, and fifty poor, who get 1*s.* per week, perhaps, more than what the institution would be obliged to allow them.

The remainder of the sum wanted was raised by the following means:

1. A subscription, which, at an average, brought yearly £ 5,850 and since the second year never varied 200*l.*

2. A weekly collection through all the houses of the town who had not subscribed, - - - - - 1,340

3. Unsubscribed donations. This indeed is one of the most interesting sources of our income, in respect to the feelings that occasion them. Some of them the expression of gratitude of a merchant who has either escaped some loss, or gained some unexpected profit. Others a joint donation made by two disputing parties, of the sum about which they did not agree. A considerable part, the produce of near 3000 poor-boxes, kept in different families, in order that their children or their servants may have an opportunity of indulging their pity; and where, in the midst of conviviality, many a collection is made for the poor. They serve too in the counting-houses of the merchants for collecting a trifle, when a bargain is concluded, or when at the end of the year large sums are paid. And they are presented to strangers in the hotels, who thus enjoy the pleasure of doing good, without being tormented by the aspect of disgusting misery. This sum amounts to an average of - - - - - 1,375

Legacies, which have yet only amounted to a yearly average of - - - - - 200

Half of the money collected in the churches on Sundays 1,050

Two extraordinary collections in the churches, the one intended to supply the clothing, the other the extraordinary fuel for the poor - - - - - 1,430

Annually contributed by public benevolence, - - - - - £ 11,245

I would stop here, if I did not recollect many a conversation with several of the respectable men to whom this letter is addressed, the result of which was, that relieving the present distress, though the first essential thing in providing for the poor, is by no means the most difficult. That the less easy task is, to distribute supplies in such a manner as may not, by increasing the number of the poor, leave real want unrelieved, and give encouragement to vice and idleness; and that, even after the attainment of this object, much remains to be done by the friends of humanity. An investigation of the sources of poverty, we often thought, might indicate the means of preventing the evil; and might suggest such measures for supporting the falling, as would, in many cases, counteract that combination of circumstances, which impose on a man the dishonourable necessity of throwing himself on the charity of the public.

But I do not presume to give my ideas, I only wish to state facts.

Certain it is, that the extension of the benefits of the schools, and of the medical institution, to those not yet entitled to receive support, may prevent many a family from ever being in want of it. We ascribe the diminution of the annual increase of poor, partly to our having given medical assistance to 1135 persons of that description.

The establishment of beneficent societies, founded upon solid calculations, and under the direction of the institution, might be a good substitute for that private economy, so seldom to be met with among the poor; it might even be a very good policy, to receive the sums thus collected, and to allow the beneficent societies, not only more than the legal, but even compound interest. The institution, by sacrificing a few hundred pounds yearly, certainly would encourage establishments that might in time save as many hundred families from the necessity of being a burden to the public charity.

A timely payment of house-rent, or releasing of pawned goods, &c. might save many a family. But these charities, where much must be left to discretion, cannot make a part of the general system: it must be referred to a committee, composed of gentlemen perfectly aware of the danger attending misapplication of benevolence. The multiplication of employments for the female part of the children, such as hair-dressing, making of clothes, shoes, &c. and all possible easy work for the manufactures of the country, ought to be attended to.

A careful moral education of all the children, would undoubtedly be the most effectual way of promoting the happiness of the rising generation. Towards this desirable end, the establishment of male and female seminaries would be the first step. I think we are far

back in this respect every where, but something less in Germany than in any country I know of.

Nursing-rooms, such as those mentioned above, would do a great deal towards the health of the infants, and the earnings of the mother and the elder children.

Magdalen-houses, well conducted, would certainly be a palliative of a great moral disorder, whose sources are so deeply rooted in our manners, that a radical cure will only be the work of time, and the triumph of a happier generation.

When once the history of the poor is well known, it will be seen how large a proportion of the miseries of the lower orders arise from local errors and prejudices, from ignorance and want of advice. Surely it could not be thought unworthy of the leisure of any true philosopher, to point out those prejudices and give those advices, in popular language, in the shape of an almanack, either gratis, or so cheap that it could be in the hands of every body.

As for our prisons, who knows not, that the very place which ought to bring back the offender to industry and to virtue, is the school of crimes! Who feels not for men whose only crime is poverty, when he sees them crowded into the same work-houses with shameless profligates; and into such work-houses!

The incalculable harm caused by these circumstances, may give us an idea of the good that might be produced; and ought to invigorate our earnest resolution to do every thing which our situation will permit us to do in so great and worthy a cause; Whenever any exertion succeeds, it is a moral discovery, which it is criminal to conceal; and wherever a man meets another in the intention of doing good, there at least he may be sure to shake the hands of a brother.

TABLE.

	Money dis-tributed to the poor.		House-rent.		Clothing and bed-ding.		Teaching the grown people to spin, and loss upon the produce of labor.		Educa-tion of children.		Expenses attending the police of the poor.		Extraordi-nary fuel allowed dur-ing a severe winter.	
	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>
From November, 1788 } to 1st July, 1789 }	6728	16	981	12	1558	16	1390	7	466	4	142	2	619	0
1789—90	8296	8	1980	8	426	9	1282	2	411	10	245	5		
1790—91	9317	5	2297	7	582	18	852	10	483	7	238	7		
1791—92	8862	9	2314	0	747	15	763	12	485	12	262	10	211	5
1792—93	7524	12	2154	9	553	2	411	12	797	12	221	2	145	4
1793—94	7590	14	2105	18	765	10	692	12	832	5	243	12	332	4
	Medical estab-lishment.		Boarding to the Hos-pitals and Bridewell.		Poor Esta-blishment in the suburbs.		Printing and binding.		Salaries and sun-dry ex-penses.		Total.		Number of families.	
	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>
From November, 1788 } to 1st July, 1789 }	437	15	9	9	23	0	339	0	504	0	13828	10	3908	
1789—90	650	12	240	0	55	16	71	15	380	16	14487	16	3748	
1790—91	796	16	285	12	203	8	149	0	370	0	15771	0	3764	
1791—92	773	12	342	12	237	10	148	2	433	5	15612	4	3640	
1792—93	686	12	430	8	237	10	85	14	377	2	13624	19	3249	
1793—94	723	8	643	2	300	0	73	10	470	16	14773	11	3234	



A
DEFENCE
OF THE
Church Missionary Society
AGAINST
THE OBJECTIONS
OF THE
REV. JOSIAH THOMAS, M. A.
ARCHDEACON OF BATH.

BY DANIEL WILSON, M. A.

MINISTER OF ST. JOHN'S CHAPEL, BEDFORD ROW.

NINTH EDITION.

LONDON:

1818.

ADVERTISEMENT

TO THE

EIGHTH EDITION.

THE rapid sale of the following small work made it impossible for the Author to revise sooner what he had written. It was indeed originally composed in the midst of numerous engagements, and under the pressure of family affliction; and though he was able to avail himself of the assistance of two or three judicious friends, yet he is well aware that many things were omitted which would have found a place in a more deliberate composition. His absence from London during the greater part of the week which has elapsed since the first appearance of the work, has prevented an earlier attempt to supply in some small measure its defects. He is still sensible how entirely it fails of doing justice to the immense importance of the general cause of Missions, the interest of which he deems to be intimately involved in the local occasion which gave rise to the publication.

It is proper to add, that the whole argument, with all that is material in the detail, remains unchanged in the present edition.

Chapel Street, Bedford Row,
Monday, Jan. 12, 1818.

DEFENCE,

&c. &c.

THE Reverend the Archdeacon of Bath having published an Address, which he delivered at a meeting held in that city on Monday, the 1st of December, 1817, it may seem requisite, in order that the statements of that publication may be properly considered, to take a brief view of the general cause of Missions, and of the circumstances which led to the formation of the various Associations in connection with the Church Missionary Society.

It had long been the reproach of the christian church, that so little had been done for propagating the faith among heathen nations. The zeal which animated her members in her earlier days, seemed almost extinguished; and, after the lapse of nearly eighteen centuries, the last command of her Redeemer, *to preach the Gospel to every creature*, was yet unaccomplished.

It might have been expected, indeed, that, with the progress of superstition in the dark ages, the pure flame of christian charity should decline; and that the church, either inculcating a corrupted doctrine, or employing unhallowed means, should fail more and more in her efforts to disseminate the christian faith.

But why have not the reformed churches rekindled the sacred fire? Why have they allowed three centuries to pass away, before they have attempted any thing considerable for the salvation of the world? Why has not the holy zeal of their Missionaries marked the revival of that pure doctrine of Christ, which they received in order that they might disseminate it to the ends of the earth?

The painful truth is, that the Reformation has never transfused into its communities the spirit of Missions. The Roman Catholics, with all the defects which we charge upon them, have outstripped us in this race. At the very time when Protestant Germany and England were utterly indolent, Rome was pushing her Missionaries into the most remote and apparently impenetrable regions of the earth. It is with a sort of triumph that Muratori observes, "That, amongst all the marks that serve to distinguish the Catholic Church from sects delivered over to error, the ardent zeal she has ever shewn for the propagation of the Gospel, is one that strikes us most." Undoubtedly the wealth and power of that church, together with its absolute dominion over its priesthood, facilitated its missionary designs; whilst the uncertain condition of the early protestant communities, and the domestic habits of their clergy, proportionably impeded them in such exertions. It is to be considered also that much is to be deducted from the apparent effects of the Romish Missions, on the score of the superstition, duplicity, and force, which too much disgraced their later measures: but still the humiliating acknowledgment must be made, the reformed churches have been lamentably defective in these high and ennobling duties. Surely, as they acquired stability and influence, they should have laboured to equal the efforts of the catholic missionaries in extent of labour, whilst they surpassed them in purity of doctrine and simplicity of proceeding.

We must not, indeed, undervalue the actual attempts of the different protestant communities in their various missions. The patience and faith of Ziegenbalg, Grundler, Swartz, and Gerické, of Eliot, Brainerd, and others, will never be forgotten. But what proportion do the labours of these, and a few other holy men, bear to the immense extent of the heathen world? The population of the globe is estimated, at the lowest, at 800 millions, of whom not more than 175 millions are professedly christian—that is, in the nineteenth century from the birth of the Saviour of the world, three-fourths of that world never heard, to any effect, of his name; never heard of the God who made nor of the Saviour who redeemed them; were never told of their immortal destiny, of their duty and their danger, of the way of repentance or the foundation of hope. Surely this single fact is sufficient to afflict every considerate, every humane mind. And yet, Time stops not in its course—thousands of our fellow-creatures are hastening into eternity every year, every month, every day, who might have been enlightened and blessed with the truths of revelation, if we had possessed more zeal and charity in consulting their everlasting welfare.

¹ Muratori's *Relation of Missions to Paraguay*. Lond. 1759.

Indeed, were the temporal well-being of mankind alone in question, they who rightly estimate the astonishing effects of christianity, in mitigating the evils of war and abolishing the cruelties of heathen superstition, as well as in communicating innumerable other benefits, would ardently wish to diffuse it with a view to the present happiness of their fellow-men, as well as to their eternal felicity.

It is painful to reflect, that, amongst all the nations professing the protestant faith, our own country has had, till within these very few years, the largest share in the guilt of this inactivity. It is truly alarming to consider the rank and commerce and glory of this great empire, and yet the little that she has done in the noblest cause which can animate man. She stretches her dominion over an immense portion of the world : her ships cover every ocean : her territories border on most of the considerable heathen and Mohammedan states : her fame for wealth, and liberty, and valour, and good faith, has filled the earth : and yet what has she effected for the highest interests of mankind ? what, worthy of the blessings bestowed on her ? what at all answerable to the facilities which she possesses, and the correspondent obligations under which she lies ? Especially, since the vast extent of her possessions in India has added sixty or seventy millions to her population—an event of incalculable moment, and bringing with it a deep responsibility—what has she attempted to meet the great occasion which is presented to her, of extending the christian faith ?

If we except the laudable efforts of the Society for Promoting Christian Knowledge in the South of India, where a few clergymen, and those of the Lutheran church, have long been supported, nothing, absolutely nothing, has been done, till these late years, by our church, for the instruction of the heathen.

And yet what is there so holy, what so elevated, what so arduous, as the work of disseminating the most stupendous blessings among nations debased by vice and superstition, nations lost to Heaven and to themselves, “without hope and without God in the world ?” We boast of our benevolence and humanity ; but what exercise of benevolence or humanity can be compared to that of rescuing our fellow-men from ignorance, and cruelty, and lust, and misery ; of conveying to them the knowledge of a Crucified Redeemer, and telling them that God is LOVE ? We talk of heroism ; but what is so heroic as to quit the comforts of our native land, and cheerfully to encounter the dangers of a foreign clime, and all the labors and sufferings incidental to missionary undertakings ? Surely there treads not on this earth a man so truly magnanimous as the faithful Missionary ! To be engaged in inviting such men into the field of exertion, and of aiding and

animating them in their toils, can only, therefore, be second in importance to the becoming Missionaries ourselves.

And yet England was for a long period, as a nation, utterly unmoved by these considerations. With a cold selfishness she monopolised the gifts of Grace, which were confided to her for the benefit of mankind. She was contented with languid wishes for the good of others; and, by her indifference, seemed to pour contempt on the ardor of those who were willing to enter on the high service of enlightening mankind.

But, blessed be God, these reproaches on the British name, are, in their full force, no longer applicable. Within these few years, a zealous desire to promote these efforts of love has begun to appear; and it will depend very much on the British nation at large, to determine whether this spirit shall or shall not be nourished and augmented. Benevolent individuals, of various religious confessions in this country, began about twenty years back to form several Missionary Societies for propagating the Gospel in different parts of the world. The proposals were received with attention. The blessing of Almighty God appeared to rest upon these undertakings. It then occurred to a few pious and conscientious members of our church, that some success might attend a modest and prudent attempt to form a Missionary Society in our own body. The moment seemed inviting. Our immense Indian empire, our efforts to open Africa to freedom and the blessings of civilization, our increasing commerce, the apparent revival of christian piety in many quarters, the example and success of other religious communities, the warning hand of Divine Providence in the commotions of the European states, the long reproach which had rested on the church for her remissness in this labour, the comparatively small exertions of the only two societies within her pale which had any concern with missions, the circumstance that not one English clergyman was acting as a missionary among heathens, the duty at any rate of making an attempt though it should fail, and the possibility of its being crowned with success—these considerations loudly and irresistibly called on them to propose a new society, exclusively devoted to the object of missions.

The Church Missionary Society for Africa and the East was accordingly formed. Its measures were, in the first instance, submitted to the notice of the then Lord Archbishop of Canterbury and the Bishop of London. For the first few years it was chiefly engaged in making inquiries, circulating information, collecting subscriptions, and instituting preparatory measures. It proceeded with all due caution. It had to contend with various difficulties in its first attempts to send out Missionaries. Its chief impediments, however, arose at home, from that want of a lively interest

in the members of our church for the salvation of the Pagan nations which, we must acknowledge with concern, had too long prevailed amongst us. Still its conductors bore up, though "in weakness, and fear, and much trembling." They fixed on Africa, injured Africa, as the first scene of their labors. The efforts of the friends of humanity for accomplishing the Abolition of the Slave Trade encouraged them to this attempt. In a few years they addressed themselves to the work in various parts of India; and, afterward, as the Providence of God opened their way, to the large and populous Islands of New Zealand, and to the extensive shores of the Mediterranean sea.

After seventeen years of patient labor, they have been blessed with a measure of success which calls for their unfeigned gratitude, and animates them to further exertions. The stations which the society occupies, including the schools of the Tranquebar Mission, now amount to about forty-five. In these stations there are upward of eighty christian teachers, of the various descriptions of missionaries, readers of the scriptures, schoolmasters, and settlers, of the English and Lutheran churches. More than 3000 children are receiving christian education, according to the principles of the church of England; and, of these, at least 400 are wholly supported at the expense of the society. Besides these children, there are many adult scholars. The Gospel is constantly preached to thousands of the heathen, and has been blessed to the conversion of many who are now living; whilst, in all the chief scenes of the society's labours, some have died in the faith and hope of Christ.

Such is the present state of this infant institution—the only one in the church of England, which has for its exclusive object the conversion of the heathen world.

It is impossible, one would think, for any christian to read this statement, without being filled with gratitude to God for being permitted to assist in such a holy and heavenly undertaking. It is impossible not to look with affection on these extensive blessings diffused by members of our church. Every considerate, every humane person, would surely treat with forbearance any marks of human infirmity which he might imagine that he saw; and more especially as to those great efforts which must have been required to excite and preserve that spirit of zeal and love in the breasts of christians, from which the whole, under the blessing of God, has proceeded.

Among their first and most necessary measures would be that of endeavouring to engage the members of the church of England, in different parts of the kingdom, to aid them with their subscriptions. This plan was accordingly adopted, in proportion as the sphere of the society's operations enlarged, and the demand for

increasing funds became more importunate. In the course, therefore, of the last few years, upward of 200 different associations have been formed; the simple design of all which has been, to offer to such persons, in each neighbourhood, as might feel inclined to subscribe, the opportunity of doing so with the least inconvenience. The exciting also of a spirit of prayer for the blessing of God on the Society, and the stimulating of proper persons to offer themselves as Missionaries, were among the objects in view. The result of these efforts has been, that thirteen clergymen ordained in our Episcopal Church, together with eighteen Lutheran clergymen, have been sent out by the Society; and that, last year, about 20,000*l.*¹ was raised in aid of its designs.

In forming these various associations, the most simple and inoffensive method has been adopted. When the friends of the Society in any considerable neighbourhood, and especially the clergy and more respectable inhabitants, have conceived that there was any fair opening for proposing the Society to the pious and benevolent around them, application has been respectfully made to persons of weight and consideration residing in or near the place; and if the measure has been received with favor, a meeting has been called, some nobleman or gentleman in the vicinity being requested to act as chairman, as is customary on similar public occasions. The plan of the Society has then been explained, an association formed in its support, officers to conduct it chosen, and subscriptions raised.

In this manner the Society has been advancing with increasing rapidity, maintaining always a charitable and prudent line of conduct, interfering with no other Societies, violating no usages, of ecclesiastical discipline, making no reflections on those who might decline to support it,² but relying on the purity of its intentions and the blessing of God for that degree of patronage among distinguished persons in church and state, which it might please Divine Providence to grant. Already had the Society obtained the favour of two venerable prelates and other dignitaries of our Church, of many eminent noblemen, and of a great body of the clergy; and the time seemed approaching, when the attention of our fellow-countrymen would be more generally directed to our great cause, when the extraordinary event occurred which has made the present defence of the Society necessary; but which, we cannot doubt, will, in its consequences, serve only to bring the great question of Missions still more fully before the British nation.

¹ The income of the first year was about 900*l.*

² The reader is referred to the official documents of the Society, contained in seventeen reports, which, with the seventeen annual sermons, now form five volumes 8vo.

At a Meeting, called by advertisement, of the friends to a proposed Bath Association, the Rev. Josiah Thomas, the Archdeacon of Bath, appeared; and before the secretary of the Society could explain the nature of the projected undertaking, delivered an Address and Protest, which he has since published, and which has appeared in most of the London and many of the country newspapers. This proceeding has, of course, attracted much public attention; but the reasons by which it is supported, are, as I trust will appear, utterly insufficient to justify so unprecedented a measure.

The objections urged by the Archdeacon are of two sorts: the first regards the AUTHORITY BY WHICH THE PROPOSED ASSOCIATION WAS FORMED; the second, the NATURE AND DESIGNS OF THE CHURCH MISSIONARY SOCIETY, with which it was to be united.

On the subject of Authority, the reverend speaker states, that he came to the meeting *officially*; that, in delivering the Address which he has now published, under the name of a Protest, he was executing his office; that the Right Reverend the Lord Bishop of the diocese, and the vast majority of the clergy in his jurisdiction, disclaimed the Society; and that the institution was an irregular association, tending to the subversion of ecclesiastical order. He charges the Right Reverend Prelate, who took the chair at the Meeting, with invading the province of his venerable brother, and thrusting his sickle into another man's harvest. He pointedly intimates, that the Society assumed a title to which it had no right. He expresses his conviction, that the formation of the proposed association at Bath would be pernicious, and would render that city a hot-bed of heresy and schism. As Archdeacon, therefore, of Bath, in the name of his Diocesan, in his own name, in the name of the rectors of Bath, and in the name of nineteen-twentieths of the clergy of his jurisdiction, the Reverend speaker protested against the formation of the proposed Society.

The tendency of this language, as well as of the whole Address delivered by the Archdeacon, was to represent the formation of the Bath Missionary association as an irregular, unauthorised, and uncanonical act—as an act so irregular, that it became at once his right and duty to interpose; and, by a personal and solemn protest, to effect either the suppression of the design, or at least the secession of all its clerical promoters.

The question, then, is, In what respect was this Meeting irregular or uncanonical? What were the circumstances, and what the laws applicable to those circumstances, that warranted the Archdeacon in a measure of interference, which, if not justified on the grounds claimed for it, he himself must allow to have been an

outrage on the rights of private judgment, and a flagrant departure from the decorum ordinarily observed in civilized society.

1. The Archdeacon appears to found his claim of jurisdiction over the Meeting, on the circumstance of our Missionary Society being a *Church of England Society*. He will not, indeed, allow, what he states to be its pretensions to the title; but he obviously assumes his right of interference on that ground. Now it is manifest, that the Society never affected or pretended to represent the Church of England; still less to act by any commission or delegation from that venerable authority. It neither is, nor ever assumed to be, any other than a Voluntary Institution, supported by the free contributions of individuals, in conformity with the doctrine and discipline of the Church. No mistake could arise, on this head, to any one at all acquainted with its design, principles or proceedings. All misapprehension was effectually precluded, by the publicity with which the Society has uniformly acted. The title *The Church Missionary Society*, never meant—it was never intended to mean—a Society supported by the collective authority of the Church of England; but simply, a Society conducted by members of that Church, and by members of that Church only. It merely imports that the individuals who compose the Society are attached, not to the Lutheran, or Calvinistic, or Presbyterian, or baptist, or Moravian, or Methodist religious communities, but to the English establishment; and that it is the christian religion, as taught by that establishment, which they wish to diffuse among mankind. For many years, the title was “The Society for Missions to Africa and the East, conducted by members of the established Church.” When the rise and progress of other Missionary institutions, and the extending labors of its own, made a shorter and more definite name desirable, *The Church Missionary Society for Africa and the East* was gradually, and almost imperceptibly, substituted. Thus the familiar title, *The Bartlett's Buildings Society* is sometimes used for the longer and less convenient appellation, *The Society for promoting Christian Knowledge, meeting in Bartlett's Buildings*. In short the Church Missionary Society is a voluntary association, formed for a lawful object, but not pretending to be established by law—conducted with a due respect to constituted authorities, but preferring no claims, as of right, to their countenance or patronage. In all points which fall within the province of ecclesiastical enactment, its members conscientiously submit to the canons and usages of the Church: in matters, like those of voluntary charity, which the wisdom of the Church has left, with a thousand others, to the decision of private conscience and feeling, they claim, as Britons and as Protestants, the right of being guided by their own. Is

effect, every voluntary Society conducted by members of our Church, rests, in these respects, precisely on the same grounds. No institution of this nature possesses, or can claim, any ecclesiastical jurisdiction. Such a jurisdiction could be conferred on it only by a direct grant from the legislature, which no existing Society in our Church, however highly respectable, and whether incorporated by charter or not, has received.

Such being the nature of the Church Missionary Society, and such the object of the meeting, it is not very easy to discover in what manner the Archdeacon had acquired the jurisdiction which he claimed over it, or what was that official title by which he felt himself warranted to reprove and inveigh against its proceedings. The lawful jurisdiction of an Archdeacon of the Church; the visitatorial authority by which he is empowered to inspect the state of the churches, and "the sufficiency and ability" of the parochial clergy; the judicial functions by which he takes cognizance of scandalous or notorious immorality—in which respects he is figuratively called *The Bishop's Eye*: all these rights and powers he possesses without dispute. But it is not apparent how any of these, or all of them together, should entitle him "*officially*" to force his denunciations on such an assembly as has been described—an assembly pretending to no ecclesiastical commission or character; not a meeting of the clergy in visitation, nor a chapter of the canons of a cathedral, nor, strictly speaking, a religious meeting of any kind; but simply a voluntary association of benevolent persons met to form a charitable institution, under the protection of the laws of the land. If this meeting acted irregularly, it was amenable, not to the Archdeacon of Bath, but to the civil power.

The peculiarity of the case, however, is, that the meeting was held under the sanction of the civil power; the Guildhall having been expressly granted for the purpose, by the Mayor of the city: and yet it was under such circumstances that the Archdeacon of Bath entered, with the avowed purpose of compelling the assembly to hear his vehement censures; thus claiming, without even a plausible argument, and exercising in a manner which in fact bordered on a breach of the peace, a right which, had it been peremptorily resisted, he would certainly have had no legal means of enforcing.

2. If the Reverend speaker thus mistakes the nature of his authority as Archdeacon, it is natural that his other assumptions should be equally erroneous.

The opinion which he seems to entertain, that the proposal of a Missionary Association at Bath went to impose the measure on the clergy, is altogether destitute of foundation. No such intention was ever entertained. The design was to give an opportunity to

such persons to attend, as might be disposed to aid the Society with their subscriptions. The idea of there being any thing irregular in the establishment of such an association, because the majority of the clergy of the neighbourhood did not happen to be present, is wholly untenable. The Society appeared as a supplicant : not to claim or impose, but to explain, petition, and entreat. No voluntary Society ever received universal support. The friends of the proposed measure never expected to unite every suffrage in its favour, until its spirit and proceedings had become known, and it had outgrown the uncertainty and suspicions which naturally attach to an infant undertaking. All other Societies in our Church, however ancient they may now be, were formed at first by a few individuals, and had, like our own, to pass through a season of doubt, and difficulty and objection.

3. The Archdeacon equally mistakes, when he confounds the circumstance of the clergy declining, or omitting from whatever cause, to join the proposed institution, and their actually disclaiming and protesting against it. He ventured, indeed, to issue his Protest, not only in his own name, but in that of his Diocesan, the Bishop of Bath and Wells ; but by what authority does not appear. Certain it is, that the Bishop of Bath and Wells, in a letter to which his respectable name is affixed by his own hand, and addressed to the provisional secretary of the intended association, though he declines the particular office of patron, which had been offered to him, does so in terms of courtesy and respect.¹ His Lordship fulminates no Protest against the Society, nor does he even hint the slightest disapprobation of it ; though he would naturally have done so, if he had thought and felt with the Archdeacon of Bath. Nor does it appear that the Reverend Gentleman had any better title to include in his protest the names of the clergy of his jurisdiction, than that of his Diocesan. He expressly says, that he had neither directly nor indirectly communicated to any of them his intention of appearing at the meeting. If this disavowal be really what, in fairness, it ought to be, it must imply that he had not communicated to the clergy even his intention of entering an official Protest against the Society. With what propriety, then, could he afterward enter, as he does, this very Protest in their names ? Mr. Archdeacon Thomas is unquestionably called upon, by this apparent inconsistency, to produce his authority for employing the names of his venerable Diocesan and of the vast majority of the clergy. If he received such authority, he can, of course, prove the fact ; and, till he does so, the assumption which he makes must be considered as utterly unwarrantable.

¹ See his Lordship's letter, in an address from the Bath committee, printed in Appendix I.

4. But the most extraordinary, and really indecorous part of the Archdeacon's denunciations, is that which he ventures to make against the Honourable and Right Reverend the Lord Bishop of Gloucester, who took the chair at the Meeting.

What interference there could be with ecclesiastical jurisdiction, in simply being the chairman at a voluntary meeting of a benevolent society, does not immediately appear, and is unfortunately not explained by the Reverend Protester. Surely it never could occur, to any unbiassed mind, that the yielding to the wish of the friends of the proposed association, to direct the proceedings of their meeting, was any invasion of episcopal authority. Any other nobleman or gentleman might have been invited to the same brief and harmless duty. Such circumstances take place in every city of every diocese of Great Britain, without the slightest offence or umbrage.

The choice fell on the Bishop of Gloucester merely from the natural and high respect entertained for the character and rank of his lordship. As one of the vice-patrons of the Church Missionary Society, he was almost necessarily led to comply with an invitation which related to a proposed branch of the parent institution; and especially in the chief city of a diocese, in which his lordship held the distinguished station of Dean.

But, in fact, any one who had heard of the name of the Lord Bishop of Gloucester, of his assiduity in his parochial duties previous to his elevation to the Episcopal Bench, as well as in the discharge of his high ecclesiastical functions since that event, of his zeal for the establishment of National Schools, his activity in espousing the cause of the Society for Promoting Christian Knowledge and the British and Foreign Bible Society, and his ardor for forwarding the salvation of the heathen world, would immediately be induced to apply to him for aid on such an occasion as gave rise to the Protest. Undoubtedly it was impossible for a man of his lordship's principles and character, when he was once requested to take the chair at such a meeting, to decline the task: undoubtedly he could never endure that the proposed society should in any measure fail of success, because he refused to give it any aid which it might be in his power to furnish.

But these statements, though more than sufficient to silence the voice of intemperate censure, are rendered unnecessary by the circumstance that his lordship actually did consult the Bishop of Bath and Wells previously to his consenting to preach on the subject at Bath, and acquainted his lordship with his design of attending the Meeting. The following short statement under his own hand is to be seen at his lordship's bookseller's in London, which places

the whole question on totally new ground, and makes the indecorum of the Archdeacon's language the more reprehensible:—

“We have authority from the Prelate, who took the chair at the desire of the meeting of the friends of the Church Missionary Society at Bath, to declare, that, having previously mentioned to the Bishop of the Diocese his intention of attending the meeting, as well as submitted his design of preaching for the Society, to his lordship's decision; he had not the slightest reason to suppose, that in taking those steps, he was acting in a manner disrespectful or displeasing to his lordship: the introduction of whose name, as protesting against the meeting, is firmly believed by the Prelate above mentioned, to have been entirely unauthorised and unjustifiable.”

After this statement, it is needless to say, that there was no sha-

“In the haste with which the first impression of this pamphlet went to the press, an inaccuracy occurred in reporting the “Statement” of the Bishop of Gloucester, which, though it was corrected as soon as discovered, (that is, after only a small part of the impression had got into circulation), and though the six editions since published have been wholly free from it, and though it does not seem material after all, yet I think it proper to explain. In the statement of the Bishop, as originally left at the Bookseller's, it was related that, having consulted the Bishop of the Diocese “upon the subject of preaching for the Society, he had not the slightest reason to suppose that in taking that step, or in attending the Meeting, he was acting in a manner disrespectful or displeasing to his Lordship; the introduction of whose name, as protesting against the Meeting, is firmly believed by the Prelate above-mentioned to have been entirely unauthorized and unjustifiable.” Besides this Statement, however, I had been favoured with the sight of a letter from the Bishop of Gloucester, in which was added this fact, “that he had previously acquainted the Bishop of the Diocese with his intention of attending the Meeting.” Understanding that this letter was meant to be supplementary to the statement, and believing that the statement was immediately to be re-written, and to include the additional fact (which in truth has been done), I thought myself authorized to give my edition of it that addition which was intended, and which made it more fully descriptive of the circumstances. It was, however, suggested to me, that I had been incorrect in stating the Bishop of Gloucester to have consulted the Bishop of Bath and Wells on the propriety of his attending the Meeting; the truth being, that the consulting had referred only to the more strictly ecclesiastical matter of preaching for the Society; while the Bishop of Gloucester, not apprehending objection to his mere attendance at the Meeting, had only mentioned his intention of so doing, without making it a matter of formal consultation. Though I thought this distinction, as I still think it, quite immaterial under the circumstances of the case, yet I felt myself called on immediately to correct the error I had inadvertently made; which I did, by publishing, in the far greater part of the first edition, and in all those that have ensued, the first statement of the Bishop of Gloucester, without addition or alteration. For this, I am happy now to substitute that which has since been substituted by his Lordship himself; the original of which is open to the inspection of any reader, at Mr. Hatchard's,

dow of interference with the jurisdiction of his Venerable Brother on the part of the Lord Bishop of Gloucester : even the slightest suspicion of it, which could by possibility have been suggested by an unfriendly and invidious observer, had been precluded by the previous communication between the two Prelates. How the Archdeacon can escape the charge of a rash and indefensible accusation against his superior in the Church, I will not attempt to explain.

The question then recurs, What is the authority of this Protest of the Archdeacon of Bath? None whatever. He appears to have had no more right to assume any jurisdiction over this peaceable and lawful meeting of benevolent individuals, for a simple and legitimate object of charity, than he would have had to interrupt an assembly convened for planning a bridge or projecting a hospital : he might, in fact, almost as well have advanced a claim of right to enter the private abode of individuals, in order to regulate the detail of personal beneficence.

The Reverend the Archdeacon, however, forgetful of these obvious principles, and assuming a variety of positions, every one of which turns out to be unfounded, ventured to overstep his lawful authority, and to make a Protest, which loses all its weight the moment the real circumstances of the case are explained ;—a fault this, surely, of no common magnitude. Respect, indeed, is always due to measures, however erroneous, if they have been suggested by an honest zeal, and a strong and imperative sense of duty. But when the act to which zeal and duty impel men, is itself that of protesting against intemperate zeal and a mistaken sense of duty in others ; when a censor stands up specifically to point out the distinction between a well-informed and an ignorant piety ; when such a censor is invested with an office of respectability in the Church, and his denunciations derive weight from his public station ; and, above all, when such a person comes forward to deliver an address composed in the calmness of the closet, and therefore with every advantage of previous deliberation ; it is plain that we have a right to expect more than common caution and reserve, a mind well informed on his subject, and arguments sound and perspicuous in support of his assertions. I will not stop to say how totally the Archdeacon has failed in all these respects.

But this is not all. Even if the Archdeacon had erred in judgment, as to the nature of the proposed Society, and the extent of his jurisdiction, the consequence of the mistake would have been quickly remedied, if he had preserved any thing of a right temper in the expression of his sentiments. The intemperate proceeding of forcing himself upon the Meeting, was little calculated to sustain the just dignity of his character, or to effect the object which

he professed to have in view. If it was his simple design to prevent what he considered to be irregular, was it not most proper to exert himself first in private? Were there no opportunities of previously remonstrating with the leading persons concerned? Was it decorous—I had almost said, was it honorable—to receive the clergymen of his jurisdiction, who waited upon him before the Meeting to solicit his favor for the Society, with no single notice of disapprobation—for I am persuaded that every reader will be astonished to find that this was really the case—and then to come forward with an unexpected and rude claim of interference? Was it just, was it generous, to leave the Right Reverend Prelate who was called to the chair, and the clergy of the neighbourhood, in total ignorance of the intended protest? Was it decent to insist on delivering this censure before the Secretary had been allowed even to explain the nature of the proposed Institution? Above all, was it becoming—and, to use the Archdeacon's phrase, was it canonical—to insult a most amiable and dignified personage in his own presence? Was it suitable for an Archdeacon to arraign before a numerous assemblage a Bishop of the Church? Was contumely a necessary part of an interference which, as official, should, of course, have been calm and dispassionate, resting on undisputed authority, and proceeding with dignity? What right had the Archdeacon of Bath to determine, by his mere assertion, what is regular and what is not; to decide, at once, on the supposed conduct of another; to remind, with an air of insult, a Prelate of our Church, that, as dean of Wells, he owes canonical obedience to his Diocesan, and even to charge him with a breach of the duties of his exalted station?—for it may be necessary to state that he actually imputed to the Honorable and Right Reverend Prelate in the chair—deliberately imputed to him—“an indifference to the dignity of the high office to which he had been but a few years consecrated, as well as a contempt of ecclesiastical order.” Is this the most natural way to express reverence for the episcopal office? Is this to act as a well-informed member of the Church of England? Is this to conduct himself as an inferior clergyman ought to do towards his superior in the Church?²

I press these questions because the conduct of the Archdeacon, even allowing that in point of substance he may have been right, forms the first example in this country of an open and unprovoked insult, offered by a clergyman in a public assembly to a venerable Prelate of the Church of England. But when we consider that his view of the case appears to have been radically erroneous—

¹ See the Address of the Bath Committee, in the Appendix, No. I.

² See an extract from the Protest in the Appendix, No. II.

when we consider that every one of the data on which he seems to have proceeded was wanting to a conclusion, which all of them together would have failed to authorise—when we recollect also, that the particular occasion of this meeting was to aid in conveying the ineffable blessings of Redemption to mankind; a design calculated of all others to kindle the warmest charity of the Christian's heart—and when we add to this, that the manner and spirit of the address would have discredited even the best cause—then we shall be able to form a just estimate of the conduct of the Reverend person on this remarkable occasion. And surely the reader will agree with me, that the unfortunate intemperance of a proceeding which almost reminds us of the conduct and demeanour of the officials of the Church of Rome in her plenitude of power, can only be rivalled by the coolness with which the Archdeacon—after having forced his unauthorised way into an assembly with which he had no concern, and affronting every single member of it, from the President in the chair to the humblest contributor present, and after having been heard from the beginning to the end of his invective with a degree of patience which no other audience would have exhibited—assumes the tone of an INJURED PARTY, and declares he did not calculate on being so insulted by a Church Society.¹ Yet perhaps even all this may seem less surprising than that the Archdeacon, after obtruding himself on a meeting avowedly meant to consist of the FRIENDS of the Society, only to inveigh against their proceedings—and after indulging himself, under the guise of protesting against the irregularity of any such meeting, not only in detailed, and I think I may say declamatory, accusations of the motives, as well as the measures of the Society and its supporters, but in surmises, and conjectures, and questions, concerning which he in terms “professes himself utterly ignorant:”—that, after this, I say, without affording one moment for a reply even to his questions, he should indignantly have quitted the Hall, should instantly have proceeded to publish his Address in the form of a pamphlet, should have allowed it to be placarded in the very streets of the metropolis, and to occupy the columns of the most popular journals

¹ It is proper to state, in reference to the Archdeacon's assertion that “he was hooted, hissed, and insulted in the grossest manner,” that no marks of disapprobation were testified by the assembly, until his personalities and vehemence of voice and gesture forced from them some involuntary tokens of displeasure; which, however, were so restrained by the interposition of the Right Reverend Prelate in the chair, who requested an uninterrupted hearing for the Reverend Speaker, that it may be truly said—and for this fact, which has been stated to me on the most incontestable authority, I appeal to the many hundreds present—that the most exemplary patience and forbearance were exercised toward the Archdeacon.

of the empire,—and then should gravely observe that “he did not go to the meeting for debate,” and that “it is not usual for a person to wait for an answer to his own protest!”

But it is time to proceed to the other main branch of the inquiry. The Archdeacon, besides interposing to stop what he conceived to be an illegal measure, brings forward certain reasons to support his cause. He comes down now into the field of argument; and it will be our concern to examine whether his facts and reasonings here, are more correct than we found them to be on the subject of ecclesiastical authority.

1. The Reverend Author states, that the Church Missionary Society was *originally unnecessary*, because the Incorporated Society for Propagating the Gospel in Foreign Parts was and is in existence and in action.

Is it possible, then, that an Archdeacon of the Church of England should be ignorant that that venerable and most useful Society directs its labors, in conformity to its charter,² to the supply of our foreign plantations, colonies, and factories, with ministers and schoolmasters? Does he not know that it has nothing to do with Missions to Africa and the East, and scarcely any thing with Heathens any where? Was, then, the Church Missionary Society unnecessary? What, when almost the whole world lay in darkness and the shadow of death, and untold nations implored the compassion of Christians!

The reader is requested to observe, that the Reverend Author is not now advancing any objection against the conduct or spirit of our Society. This is not the topic. He roundly asserts, that the very design was **ORIGINALLY UNNECESSARY**—the design of enlightening and blessing five hundred millions of our fellow-men in **ASIA** and **AFRICA**—gifted with the same reason, and capable of the same happiness, as ourselves—because a Society for instructing the Christian settlers and colonists of **BRITISH AMERICA** was in activity! Surely he must have other ideas of Christian charity from those commonly entertained. Is then a Society, which has not a single English clergyman engaged as a missionary amongst the Heathens, and which collected the last year very little more than 1000*l.*, and this for the use of our fellow-Christians of one particular province abroad, sufficient to exonerate the members of our Church from the duty of establishing other societies for the salvation of the Heathens in the other immense regions of the world? Or is the Archdeacon prepared to state, that the Society for Promoting Christian Knowledge was also unnecessary?

¹ See Advertisement to Protest, 2d Edition.

² See the Abstract of the Charter in Appendix, No. III.

His language implies, that he is either totally forgetful or ignorant of the existence of the East-India missions of this venerable Institution.¹ And can a person who betrays a want of information so deplorable on the leading facts connected with his argument, be the man who is entitled to pronounce a solemn censure on the plans founded on the more enlarged information of his brethren?

It may undoubtedly be an unnecessary measure, in the judgment of some few persons, to disturb themselves in their accustomed habits and usages; unnecessary to make painful exertions; unnecessary to do more than discharge their quiet duties at home. But not so felt the first apostles and martyrs of the Christian faith: they counted not their lives dear unto themselves; they burnt with an inextinguishable ardor for the salvation of men; and we trust that we may at least be allowed to emulate the holy zeal and love, the intrepidity and constancy, the self-denial and voluntary privations, of these primitive examples of the Church.

To Christians possessing such feelings, nothing appears so necessary, as to send the Gospel to all the accessible parts of the world—nothing so necessary, as to awaken the tardy love of Christendom in such a cause—nothing so necessary, as to invite, by new associations, the contributions and efforts of all around:—*necessity is laid upon such, yea, woe is unto them, if they promote not the most extensive diffusion of the Gospel of Christ.*² If labors such as these are superfluous, then were the pious missionaries who first visited our own shores, when our ancestors wandered in their painted skins, and offered their sons and daughters unto devils, engaged in an useless project. But surely it cannot be endured for a moment, that the descendants of the converts of these very missionaries should consider it as unnecessary to carry the Gospel to those heathen nations, who are in the same circumstances now, in which their own forefathers originally were. Forbid it, sacred charity, that such a thought should be entertained in a Christian's breast! Forbid it rather, O divine Mediator of mankind, that we should receive the infinite grace of salvation ourselves, to withhold it from a perishing world! Forbid it, O Thou eternal Father of Mercies, that the chilling deductions of a cold selfishness should oppose, for an instant, the exuberant designs of thy stupendous love to the whole of the lost children of men!

2. But the reverend Archdeacon is not content with pronouncing our society to have been unnecessary: he finds it to be as little happy in its structure, as in its original design. He proceeds to observe—

¹ Only a fiftieth or sixtieth part of the gross receipts, even of this much respected and useful Society, was expended last year on its Indian Missions.

² See Appendix, IV.

"I said that I considered some of the rules and regulations of this Church Missionary Society, and especially the means which it employs to increase its funds, to be utterly unworthy of the name which it would assume; viz. that of a Church of England Society. For example—IS it worthy of the Church of England, is it worthy of the members of the Church of England, to authorise persons to go about, collecting pence and farthings from servants, school-boys, and apprentices, in order that the collectors of one shilling *per* week, or five shillings *per* month, may be elevated into members—of a Church of England Society? And, moreover, be tempted to the additional honor of voting at meetings, of receiving copies of the Annual Report and Sermon, and one number of the Missionary Register? This is the statement in Rule VI. of your Report."

In this censure, it is not easy to guess, whether the reverend author means merely to say that there is something low and undignified in the office of the persons who collect petty alms for the Society; or whether he means farther to imply that the Society itself is disgraced by the very act of soliciting and encouraging such petty benevolences. It may be conjectured that both sentiments were, in a degree, in his mind. And yet, what is it that a minister of the Church of God can find ignoble in the office of exciting the humanity and philanthropy even of the lowest classes of society; of those who, though below the level of science and learning, are not below the level of Christian virtue? And yet farther, what is it that a minister of the Church of England can find to disparage or to ridicule in the humble and Christian contributions of his poorer brethren? Nothing, indeed, is more easy than to hold up both the givers and receivers of such scanty donations in an invidious light. How readily, for example, might the same ingenuity be employed in ridiculing the briefs read continually in our churches, by which the legislature directs the aid of the benevolent to be solicited from house to house, for the relief of different sufferers. How readily also might that ingenuity be employed in ridiculing the Easter offerings of the Church of England, "which," as Watson tells us, "in many places, are by custom two-pence from every communicant, and in London a groat a house." (Watson, c. 52.) I allude to the precedent, however, not merely to show the facility with which the humble subscriber to the Church Missionary Society may be ridiculed, but the propriety with which such ridicule is adopted by a member of that very Church which thus supports her ministers, by a member of that very body of ministers for whom such supports are provided; and adopted, ~~too~~, by such a person, for the very purpose of ex-

cluding the Society from the legitimate pale of the Church of England.

If, however, this be a subject of ridicule, the venerable Society for Promoting Christian Knowledge have laid themselves open to the same shafts. We find, p. 73. of their last Report, the following language:—"The Society, although it has existed above a century, may even at this time be considered as little known in some parts of the kingdom; and the Board is desirous by the establishment of *District Committees*, to extend its influence to every part; and to add to the funds, on which its utility must depend, both by inducing more persons to become annual subscribers, and by collecting from *charitable* persons in every rank of life such contributions as they can afford, although much below the sum of one guinea, which is necessary to becoming a member of the Society."

But, as has already appeared, in soliciting the humblest contributions for a good object, the Society for Promoting Christian Knowledge has neither demeaned itself, nor swerved from the exemplar of the establishment to which its members belong. Surprising, indeed, would it be, if the Church of England alone, of all the churches of Christendom, rejected or despised the principle of drawing the benevolence of her poorer members into the common fund of Christian charity. Still more surprising would it be, if the Church of England could forget the scale by which her divine and gracious Master has taught her to measure the magnitude of private alms:—"And Jesus sat over against the treasury, and beheld how the people cast money into the treasury: and many that were rich cast in much. And there came a certain poor widow, and she threw in two mites, which make a farthing. And he called unto him his disciples, and saith unto them, Verily I say unto you, that this poor widow hath cast more in than all they which have cast into the treasury: for all they did cast in of their abundance; but she of her want did cast in all that she had, even all her living."

To say the truth, the great mass of the people must generally be the most effectual supporters of extensive designs of usefulness. And it is a most pleasing reflection, that, in lending their assistance to such objects, the poorer classes of contributors, whatever benefit they may confer on others, are usually found to receive very important benefit themselves. Perhaps the inspired declaration, that "it is more blessed to give than to receive," is nowhere more fully exemplified than in the effect produced on the dispositions and character of the poor, and especially of the younger part of them, by a participation in plans of benevolence. By calling them to the stated exercise of charity, it almost invariably forms them to habits

of arrangement and economy. By embodying their scanty contributions in great and lasting works, it not only gives to such exertions as their humble means will allow, a character of obvious utility, but it ennobles their minds, enlarges their range of enjoyment, and helps to wean them from that selfishness which their condition in life might make them liable to contract. A still higher advantage is, that, by interesting them in designs of piety, it insensibly directs their attention, under the divine blessing, to their own religious welfare: their hearts, softened by feelings of kindness, become sensible to more sacred impressions, and benevolence is matured into Christian charity. I will not, however, expatiate in praise of this system; of which it may suffice to say, that its obvious tendency is to draw our poorer brethren within the sphere of those promises which are so abundantly set forth in holy Scripture to deeds of mercy performed from a right principle—promises, comprising the richest grant of blessings in this life and of endless recompense in that which is to come.

But, perhaps, the contempt of the Reverend Author was meant to be directed less against these petty contributions, than against the persons employed to collect them. The dignity of the Church of England, it seems, is compromised, when such men are "elevated into members of a Church-of-England Society." Doubtless it must be a question of expediency with every Society supported by voluntary contributions, what shall be the lowest amount of qualification that shall entitle persons to be ranked amongst its members; and it is a question which different societies, having reference to their respective objects, may decide very differently. This, however, is not the point considered by the Archdeacon: the question which he raises, is not that of expediency, but that of dignity—the dignity of the Church of England. He conceives it to be a signal degradation of the establishment, that the humble employment of collecting the alms of the poor should be considered by churchmen as an office of honor. Not so, it should seem, thought the Church herself, when, in the performance of the most solemn and deeply devotional of all her services, she enjoined her priests and her bishops to call on the people for their alms and devotions; to exhort those who have little, to give, nevertheless, out of that little; and receiving their donations at the steps of the altar, to present and place them humbly on the holy table. Not so, it should seem, thought the Apostle Paul, when he himself condescended to the performance of this degrading duty; when he "travelled" to collect from "the deep poverty" of the Christian churches "the riches of their liberality;" when he executed the trust reposed in him, not only with alacrity, but with joy, earnestly and affectionately recommending his associates in

this task to the esteem of the Christian world, not only as "the messengers of the churches, but the glory of Christ." (2 Cor. viii.)

My readers will forgive me if I feel warm on such a topic as this; but I cannot suppress my concern at the exhibition of such a misapplied appeal to a false principle of dignity, in a protest publicly delivered by a person in ecclesiastical authority; and which may be read by all the different classes of persons in this country, many of whom are ready enough to impute to us a disposition to overvalue the temporal distinctions connected with our national Church. If there be any ground on which the rich and the poor may properly meet together, surely it is on the ground of that benevolence which ministers to the wants of our common nature. The collectors of the Church Missionary Society to whom the reverend author alludes, may not be persons of elevated rank or station; but are they to be considered as disqualified for fellowship with a benevolent Society, because, frequently under the pressure of laborious occupations, and perhaps amidst many exigencies, they devote a portion of their time to gather the contributions of their neighbours; thus retaining, unabated, their zeal for God and their love toward man? Yet these are the characters concerning whom the Archdeacon of Bath—in publicly addressing an audience of which they might be supposed to form a part, and with all the solemnity of official censure, aided by the deliberation of previous composition—scrupled not to say, that they could not be "elevated into members of a Church-of-England Society," without derogating from the dignity of the Church. Members of a Church-of-England Society! Wherefore not, if they may be members of the Church of England herself; of whom, as of her divine Master, it is the characteristic that she opens the mysteries of the Gospel wide to the unlearned and the poor? Wherefore not, if they may one day be members of the General Assembly and Church of the First-born, where we are told that many of "the last shall be first, and of the first last?" Wherefore not, if they may be members of Christ himself, who is "the Head of the Church," and who has condescended to say, "Inasmuch as ye did it to the least of these my brethren, ye did it unto me?"

3. The remaining objections of the Archdeacon will require only a brief notice. They are of that general and desultory kind which it is not difficult for any writer to affix on any cause. For instance, when he is pleased to denominate the chief friends of the Church Missionary Society, a "sect," and to resolve its supporters into a "party" in the Church, there is no considerate reader who will not immediately perceive, that, if we were to condescend to the use of language of this vague and injurious nature, it might not be difficult for us to find epithets in retaliation. But the only

questions I ask, are—Are the doors of the Church Missionary Society closed to any member of the Church of England whatever? Or are there any of its rules which in the remotest way allude to any doctrines distinct from those of the Church of England? If not, then I submit it to every candid reader, I submit it to the calm reflection of the Archdeacon himself, whether, in attempting to affix the name of “party,” where all party is excluded by the very constitution of the Society, he has himself been wholly free from that spirit which he ventures to reprobate?

But I forbear to enlarge; for really, whatever the Reverend Author may think of our feelings for the Church of England, I am deeply concerned that the Church should be so much injured by one who professes to be more than ordinarily interested for her welfare. Surely the language of the Archdeacon tends directly to disincline the whole country to the performance of one of its highest duties, the engaging in active exertions for the salvation of mankind. The establishment of the Church Missionary Society has been the first attempt in our own times, to assist in redeeming the Church from the reproach of neglect and indifference towards the heathen world; and it is lamentable to reflect, that this first attempt should be met with prejudice, and misrepresentation, and obloquy.

The Archdeacon, again, when he proceeds to ask why only two Prelates of the Church have espoused our cause, in fact asks, why certain dignitaries have not as yet joined a voluntary benevolent Society. He might as well ask why only fourteen Bishops were found in the lists of the Society for Promoting Christian Knowledge in the year 1756, about sixty years after its establishment, when the British and Foreign Bible Society, in a fourth part of that time, engaged an equal number of prelates in its support;—or why so many prelates still decline uniting themselves with the two Archbishops and the Bishop of London in the support of the Naval and Military Bible Society;—or, indeed, why any other number of dignitaries have not stood forward in befriending any other charitable institutions. This, if I may adopt the Archdeacon's words, is a mystery easily fathomed, when we reflect that new institutions in the Church are at first candidates for the patronage of its distinguished members; who doubtless consider that there is an evident advantage in allowing such societies to go through a noviciate, before they pledge themselves in their support.

On the subject of the Right Reverend the Lord Bishop of Calcutta's not espousing the Society's Missions in India, the Reverend the Archdeacon avows his ignorance. It may be proper, then, to mention, that the proceedings of our Society there were

entered on long before the establishment of that see; and that the peculiar delicacy of the bishop's situation, in a scene perfectly novel, and where he has perhaps to consider the prejudices of many European residents against the propagation of Christianity among the natives, has prevented his Lordship from countenancing in so ostensible and prominent a manner as might have been expected, even the missions of the Society for Promoting Christian Knowledge, on the very spot where they have been laboring for so long a series of years. In fact, his Lordship, we believe, considers himself as appointed to superintend exclusively the chaplains and churches under the authority of the Company. Over English clergymen, not chaplains officiating in India, he has not as yet assumed the episcopal authority. It is manifest, from the whole tenor of our Society's proceedings, that we shall rejoice when his Lordship shall see it expedient to do so. In the mean time, all our Missionaries are under the protection and legal regulations of the several local civil authorities; and stand in somewhat of the same relation to the Society at home, as the chaplains do to the Honorable the East-India Company. The persons to fill the chaplaincies are appointed by the Company; and so far they may be considered as in the employment of that Company; though the administration of the episcopal functions, according to law, is vested in the Right Reverend the Bishop. I need not say more on the subject, except that the circumstance of the uniformly exemplary conduct of our Missionaries, against whom no complaints of disorder or irregularity have ever been preferred, serves still farther to commend the prudence and sobriety of the proceedings of the Society. The Archdeacon is not, perhaps, aware, that the only commendation bestowed on Missionary efforts, in his Lordship's primary charge, is bestowed on those undertaken at the sole expense of our Society, and conducted by a converted Moham-medan, under the discreet and pious guidance of one of the Honorable Company's chaplains. Nor has he, perhaps, been informed, that the very persons who had a large—perhaps the largest—share in the efforts which led to the actual establishment of the English episcopacy in India, and who fought the battle of Christianity both in and out of Parliament, when that question was agitated, were among the friends and members of the Church Missionary Society. So easy is it for a respectable person, like our author,

“Among the missionary proceedings of the present day, I have met with none which have been conducted with a happier combination of zeal and judgment, than one of your own body has displayed.”—Bishop of Calcutta's Primary Charge: 4to. London. 1817. pp. 19, 20.

A note to this passage expresses that the person alluded to is the Rev. Mr. Corrie.

unacquainted with the real state of a great question, to commit the most considerable mistakes at every step.

With regard to the Society's corresponding committee in India, let the boards and committees of the Society for Promoting Christian Knowledge, and of all other institutions, reply to the censures of the Archdeacon. It is obvious that the affairs of a distant mission can be conducted only by maintaining a correspondence with its friends at home.

There are other topics on which I might enlarge; but I fear my readers may be already weary of these details. I will only add, then, on the professed zeal of the Rev. Archdeacon Thomas for the cause of missions—in which he states, that he yields to no member of the Church Missionary Society—that his ardor in that cause would at least have been more manifest, if he had himself been a member of the Society for Propagating the Gospel in Foreign Parts. But it is a singular fact, when connected with the statements of his protest, that the name of the Archdeacon does not appear in the last list of the members of the Society last mentioned—a circumstance which, though I admit, it may serve sufficiently to account for the errors into which the Archdeacon has fallen, respecting the nature of that excellent institution, as well as with regard to many leading facts connected with his entire argument, does not seem equally well to explain the zeal with which he recommended this very Society to his audience, and his readiness in charging upon them an ignorance of its existence. Nor is it unworthy of remark, that these reproaches should have been directed against an assembly, the Right Reverend President of which was already actually enrolled amongst the members of that Society, which the Archdeacon was contented to admire and to recommend. I will not stop to press this circumstance to its inferences on all the arguments and assumptions of the Reverend Protester.

Upon the whole, I trust that it has been shown, in the foregoing pages, that the Archdeacon's claim of jurisdiction over the proposed Association at Bath, and his protest against it, are equally destitute of any weight or authority whatever; and that his facts and arguments adduced to support his right of interference are erroneous. I flatter myself also, that his manner of executing what he imagined to be his duty, has been proved to be as indecorous, as the grounds of it were insufficient. I hope, in the mean time, that the necessity for the establishment and efforts of the Church Missionary Society has been shewn to have been urgent, the rise and proceedings of it laudable, and the objections advanced against it trifling or inconclusive.

But on such a subject this will be far from satisfying the truly

benevolent mind. To have repelled the attack of a misinformed assailant is a small matter. The stupendous cause of all the unconverted nations of the earth is involved in the question which has been treated—a cause which is sometimes injured by descending to too minute details of argument. In such details we may possibly err; but, in the general appeal to the members of our Church on the imperative duty of missionary efforts, it is impossible to mistake. For these reasons I have already endeavored to restrain the warmth which I could not but feel at the harsh and even acrimonious language of the Archdeacon's Protest. Perhaps I have not been sufficiently on my guard. But my deliberate wish is to consult the great question of missions generally. I would far rather be less triumphant in my argument, than injure the success, and diminish the universal acceptance, of this cause. I feel that the interest of millions is at stake; and I should be ashamed of being too much moved with our own personal grievances, when the mighty injuries sustained by these vast neglected regions of the earth, which, with a tardy kindness, we are at length calling on our countrymen to redress, are passing in review before us. There never was such an importunate cry of pity raised from all the divisions of the Heathen world, as that which now addresses itself to the conscience and feelings of Britons. The whole earth is waiting for the salvation of God. A general disposition to inquire into the records of our faith is manifesting itself. Facilities for establishing missions in the most distant quarters are presented. The success which has attended the Missions of the Society for Promoting Christian Knowledge, as well as those of other institutions, inspires us with the warmest hopes. Men of holy constancy and zeal are not found to be wanting, when due encouragement is afforded them. The dawn of prophecy already breaks on our view, and invites us to new tracts of exertion, and new scenes of labor. The unparalleled success of the British and Foreign Bible Society is preparing our way. And whither can the fainting eye of human misery turn, but to this great Protestant empire, which God appears to have aggrandised, at the present momentous period, with the design of employing her as the herald of mercy to mankind?

Where, then, is our love to our fellow-creatures, if we do not rise to communicate to them that unspeakable blessing, which has first visited us, that it may be sent on to others? Where is our humanity, our benevolence, our compassion, if we spring not forth in this office of grace? What! shall the unhappy widow still perish on the funeral pile—shall the helpless infant still sink under the hand of its parent—shall the deformed orgies of Juggernaut continue to prevail, and the bones of the wretched pilgrim whiten

its plains—shall the horrid rites of cannibalism yet subsist, and temples for the worship of devils be openly reared—shall all the disgusting ceremonies of impurity and blood remain in undiminished force—shall ignorance and vice, and despair, brood over the fairest portion of the globe, and the prostrate understanding and savage passions of man bind him a slave to earth?—and shall Britons hesitate to convey to the several sufferers the knowledge, and grace, and life, of an eternal redemption? We plead, it is true, the cause of unknown strangers, in urging this great question; but of strangers who are children of the same common parent with ourselves, and who might now, if God had pleased, have been in circumstances to communicate to us the very blessings which they supplicate at our hands.

Englishmen do not know enough the state of the Heathen world: they do not enough consider the immense obligations which their religious blessings bring with them; or they could not be unmoved, in the degree in which they still are, at the sorrows of mankind. Where is our love to our dying Redeemer, if we remain indifferent to the communication of that grace which He came down from Heaven and expired on the cross to purchase?—Where is our most ordinary wisdom, if we neglect the opportunity which the Providence of God affords us, of consecrating our national greatness to the divine glory? Where is our regard to our own Church, if we labor not to plant her more deeply in the affections of our own people, by diffusing her mild and parental sway over the Heathen lands? Where is our very sense of shame if we allow other Confessions of Christians to outstrip us in this holy race; and consign to a doctrine and discipline which we profess not wholly to approve, that task of conversion which should in all reason be our own? Where is our patriotism, if we desire not to involve and bind up our country with the prayers and benedictions of mankind?

Let us awake, then, from our sloth. The indolence and selfishness of Christian nations have too long impeded the tide and current of life. Unnatural quarrels, the magnifying of small matters, and interminable disputes on subordinate points, have too much absorbed their attention. Now, at length, let all the Protestant communities come forward to take their share in this "work of the Lord." Let our own Church, the glory and bulwark of the Protestant Faith, lead the way. Let the members of our two venerable Societies occupy the foremost ground. The friends of the Church Missionary Society are actuated by no undue partiality for their own particular plans. Human judgment—fallible in its most unbiassed operations—will lead the best of men to different conclusions as to the comparative merit of this or that mis-

sionary institution. Let only the great work be wisely and vigorously prosecuted, and none will more sincerely rejoice than ourselves. Let, then, our two revered Societies redouble their efforts. Let them fairly appeal to the good sense, feeling, piety, and gratitude of the nation. Let them no longer confine themselves to their present limits, but boldly enter on new spheres of action. Let one or two, or more, distinct missionary establishments be formed for the different quarters of the world. There is room enough for all. Charity would hail and bless the day. Then, engaged in the actual work of Missions, minor objections would fade away, and unnumbered difficulties would be removed. Every thing would be practicable, under God's blessing, if we were fairly in earnest. A more copious effusion of the grace of the Holy Ghost might be expected to descend. Our parishes and congregations at home would feel the sacred influence: a general revival of pure and scriptural piety would take place: prayer would be more abundantly and more fervently offered up at the Throne of Mercy: a holy unity and order would accompany and strengthen the warm emotions of love and zeal: the glory of our reformed and apostolical Church would break forth all around; and the cause of missions, undertaken by its members as by one man, might usher in, perhaps, that day of prophetic rapture, when all "the kingdoms of the earth shall become the kingdoms of our God and of his Christ, and He shall reign for ever and ever."

APPENDIX I.

Address from the Committee of the Bath Association.

"BATH CHURCH MISSIONARY SOCIETY.

"It is with the deepest pain and regret, that the Committee feel themselves called on to take this public notice of certain circumstances which occurred at the meeting held for the formation of this Society, on Monday last. They deprecate from the very bottom of their hearts, as Christians and as churchmen, the remotest approaches to strife or contention in a cause, in which nothing but the purest Christian love and harmony should be seen to prevail; and they trust, both individually and collectively, their conduct will ever be found in unison with their professions. But they regard it as a duty they owe to the meeting itself; to the Hon. and Right Rev. Prelate who filled the chair; to the public at large; as well as to themselves, not to remain silent on the occasion.

"The Committee scarcely need observe, that they refer to the very unexpected and extraordinary interruption given to their proceedings by the Archdeacon of Bath, and the written address he chose to deliver to the meeting. As the Archdeacon, for reasons best known to himself, withdrew instantly on concluding his address, and would not remain to hear a single word in explanation or reply, it was deemed the fairest and most proper course to him, as well as the meeting, not to pursue the subject, but to pass to the business of the day.

"As it might be thought, from the Archdeacon's conduct and address, that no communication had been made, either to the Bishop of the diocese, or the Clergy of Bath, respecting the formation of this Society, the Committee beg to observe, that, as soon as the measure was resolved on, a letter, of which the following is a copy, was sent to the Bishop:—

"(COPY.)

"MY LORD,

Norfolk Crescent, Bath, Nov. 19, 1817.

"I am requested by the Committee of the Church of England Missionary Society, to solicit the honor of your Lordship's patronage to the formation of an Auxiliary Association in Bath, to aid the charitable efforts of the Parent Society. The Bishop of Gloucester has kindly condescended to promise to explain the nature of this institution from the pulpit of the Octagon Chapel, on Sunday morning, Nov. 30th, and preside at a public meeting on the following day. Your Lordship will confer much honor upon the Association, as well as materially benefit its success in Bath, by kindly undertaking the office of patron.

"In the name of the Committee,

"I have the honor to be,

"Your Lordship's obedient humble servant,

"CONOLLY COANE."

"To the Lord Bishop of Bath and Wells."

" And the following answer was received :—

" (COPY.)

" REV. SIR,

" *Palace, Wells, Nov. 21, 1817.*

" I lose no time in acknowledging the receipt of your letter; and request the favor of you to inform the Committee of the Church of England Missionary Society, with my respectful compliments, that I beg leave to decline the office of patron of the Auxiliary Association in Bath, to which they have done me the honor of offering to appoint me.

" I am, Rev. Sir,

" Your faithful humble servant,

" B. of BATH and WELLS."

" *To the Rev. Conolly Coane.*"

" It is unnecessary for the Committee to remark, that the bishop declined accepting the office offered him in the handsomest and politest manner; nor is there a word of objection or disapprobation of the measure.

" The next step taken was to depute two officiating clergymen of the place, the Rev. Mr. Richards and the Rev. Mr. Player, to wait on the archdeacon of Bath, and solicit his countenance and support to the intended association. The archdeacon received these gentlemen in the most warm and friendly manner; and though he appeared to decline taking any part in favor of the Society, yet he certainly signified no express disapprobation of it; nor did he say to either of them, as officiating ministers in his archdeaconry, a single word on any impropriety in their belonging to such an institution. The rectors of Bath, Walcot, and Bathwick, with other officiating clergy of the town, were either personally waited on, or addressed by letter on the subject. The rector of Walcot behaved in the mildest, most candid, and gentlemanly manner; and the same was the case with regard to the rector of Bath.

" The Committee have deemed it necessary to enter into this detail of their proceedings previously to the formation of the institution, both to shew that they were not deficient in any mark of attention and respect to the bishop or clergy of the place; and, though they had to lament that want of concurrence which would have been so highly desirable in a cause which appears to them equally calculated to promote the best interests of the Church and the Gospel, yet that it was impossible for them to contemplate from any quarter any active hostility or opposition. Some judgment, then, may be formed of their surprise, and, we would add, grief also, when the archdeacon appeared at the meeting in the manner he did, and delivered his address; though the Committee will venture to say, that none, but those who were present, can adequately enter into the sensations excited at hearing that address—at the sentiments it contained, as well as the spirit in which it was conceived, or the tone and manner in which it was delivered. As the archdeacon will probably publish this address, the Committee forbear entering on this part of the subject at present: they only hope it will be given literally to the public as it was delivered, without curtailment or alteration; and then the public will have to judge for themselves.

" The Committee, however, cannot conclude this address, without advertising to one point of most material import, not only to themselves and the Society they have recently formed, but to every similar society throughout the kingdom, and to the rights of Englishmen at large. The archdeacon, in the opening of his address, talked of coming there by right, as archdeacon of Bath; and, in the course of it, he permitted himself to say, that he would, if he pleased, call in the peace officers to dissolve the meeting. The Committee would wish to ask the archdeacon, what ecclesiastical power or control he conceives himself to have over a meeting convened, in the usual form, by public advertisement, and assembled under the protection of the civil law,

and at the Guildhall, with the permission of the chief magistrate of the city? The meeting was either legal or illegal. If legal, what possible right had the archdeacon to interfere;—or, whence does he draw any such right of interference or control over the proceedings of such a meeting? If illegal, is such a meeting amenable to ecclesiastical jurisdiction; or have the lay members of the church no power to assemble, for any charitable purpose, but under the direct sanction of ecclesiastical power? If such be the constitution of the Church of England as by law established, they desire that it may be distinctly pointed out. The archdeacon was, indeed, heard by sufferance, even to the end of his most extraordinary address; and that by a meeting whose proceedings were interrupted without leave or apology, and where he was not entitled to speak, unless in conformity to the advertisement, by which friends only were invited: he was heard, though professing to come there in support of a presumed ecclesiastical authority; and whilst he himself was at the same time violating all ecclesiastical discipline, by insulting a bishop of his own church, and a superior in the same diocese, who listened to him with a patience and calmness which could be derived only from one source.

“As this is the first, so the Committee trust it will be the last time they shall have to address the public on this occasion: they more gladly and cheerfully return to the discharge of their proper duties, and look with confidence for the support of a Christian public, in the great and glorious undertaking in which they are engaged.

“In the name of the Committee,

(Signed)

“J. O'BRIEN.”

“*Bath, Dec. 4th, 1817.*”

APPENDIX II.

The words of the archdeacon are—

“I said that this Society tends to the subversion of ecclesiastical order; and to promote and augment divisions among the members, and especially the clergy of the Church of England. Can a stronger proof of this assertion be offered than is, at this moment, exhibited before your eyes? Here you have the right reverend the lord bishop of Gloucester presiding in the chief city of the diocese of Bath and Wells, over the formation of a Society which the lord bishop of Bath and Wells disclaims. Does the honorable and right reverend vice-patron of this Church-of-England Missionary Society know this fact? If not, by what rule, not of apostolical authority, but of common propriety, does he invade the province of his venerable brother? By what right does he come hither, thrusting his sickle into another man's harvest? Perhaps he thought the husbandmen asleep! I trust that he will find us waking and watchful.—But if his lordship did know the sentiments of his venerable diocesan as well as mine, (for the Dean of Wells is as much under canonical rule as any other clergyman,) I ask, if his lordship did know the sentiments of his venerable diocesan as well as mine, could he give a more decisive proof of his indifference to the dignity of the high office to which he has been but a few years consecrated, as well as of his contempt of ecclesiastical order?”

—Protest, p. 6, 7.

APPENDIX III.

The following abstract of the charter incorporating the Society for the Propagation of the Gospel in Foreign Parts, will shew, that it is in no degree formed for the object of converting the heathen world, though some of its missionaries and schoolmasters on the extreme stations may have an intercourse with a few tribes of American Indians.

"King William III. was graciously pleased, on the 16th of June, 1701, to erect and settle a corporation with a perpetual succession, by the name of the Society for the propagation of the Gospel in Foreign Parts; for the receiving, managing, and disposing of the contributions of such persons as would be induced to extend their charity towards the maintenance of a learned and an orthodox clergy, and the making of such other provision as might be necessary for the propagation of the gospel in foreign parts, upon information, that in many of our plantations, colonies, and factories beyond the seas, the provision for ministers was mean; and many other of our said plantations, colonies, and factories, were wholly unprovided of a maintenance for ministers; and the public worship of God; and that, for lack of support and maintenance of such, many of his loving subjects wanted the administration of God's word and sacraments, and seemed to be abandoned to atheism and infidelity, and others of them to popish superstition and idolatry."

APPENDIX IV.

The peculiar interest taken by King George the First, in the primary endeavour to evangelize the Hindoos, will appear from the following letters addressed to the missionaries by his Majesty.

"George, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To the reverend and learned Bartholomew Ziegenbalg, and John Ernest Grundler, missionaries at Tranquebar in the East Indies.

"Reverend and beloved,—Your letters, dated the 20th January of the present year, were most welcome to us; not only because the work undertaken by you, of converting the heathen to the Christian faith, doth, by the grace of God, prosper, but also because that in this our kingdom such a laudable zeal for the promotion of the gospel prevails.

"We pray you may be endued with health and strength of body, that you may long continue to fulfil your ministry with good success; of which, as we shall be rejoiced to hear, so you will always find us ready to succour you in whatever may tend to promote your work and to excite your zeal. We assure you of the continuance of our royal favor.

"Given at our Palace of Hampton Court, the 28d August, A. D. 1717, in the 4th year of our reign."

"GEORGE R.
HATTORF."

The King continued to cherish with much solicitude the interests of the mission after the death of Ziegenbalg; and in ten years from the date of the

foregoing letter, a second was addressed to the members of the mission, by his Majesty.

"Reverend and beloved,—From your letters, dated Tranquebar, the 12th September, 1725, which some time since came to hand, we received much pleasure; since by them we are informed not only of your zealous exertions in the prosecution of the work committed to you, but also of the happy success which hath hitherto attended it, and which hath been graciously given of God. We return you thanks for these accounts; and it will be acceptable to us, if you continue to communicate whatever shall occur in the progress of your mission. In the mean time, we pray you may enjoy strength of body and mind for the long continuance of your labors in this good work, to the glory of God, and the promotion of Christianity among the heathens; that its perpetuity may not fail in generations to come.

"Given at our Palace at St. James's, the 23d February, 1727, in the 13th year of our reign. "GEORGE R."

The following is a translation of a letter of archbishop Wake.

"To Bartholomew Ziegenbalg and John Ernest Grundler, preachers of the Christian Faith, on the coast of Coromandel.

"As often as I behold your letters, reverend brethren, addressed to the venerable Society instituted for the promotion of the Gospel, whose chief honor and ornament ye are; and as often as I contemplate the light of the gospel either now first rising on the Indian nations, or after the intermission of some ages again revived, and as it were restored to its inheritance; I am constrained to magnify that singular goodness of God in visiting nations so remote; and to account you, my brethren, highly honored, whose ministry it hath pleased Him to employ, in this pious work, to the glory of His name and the salvation of so many millions of souls. Let others indulge in a ministry, if not idle, certainly less laborious, among Christians at home. Let them enjoy, in the bosom of the church, titles and honors, obtained without labor and without danger. Your praise it will be (a praise of endless duration on earth, and followed by a just recompense in heaven) to have labored in the vineyard which yourselves have planted; to have declared the name of Christ, where it was not known before; and through much peril and difficulty have converted to the faith those among whom ye afterwards fulfilled your ministry. Your province, therefore, brethren, your office, I place before all dignities in the church. Let others be pontiffs, patriarchs, or popes; let them glitter in purple, in scarlet, or in gold; let them seek the admiration of the wondering multitude, and receive obeisance on the bended knee. Ye have acquired a better name than they, and a more sacred fame. And when that day shall arrive, when the chief Shepherd shall give to every man 'according to his work,' a greater reward shall be adjudged to you. Admitted into the glorious society of the prophets, evangelists, and apostles, ye, with them, shall shine, like the sun among the lesser stars, in the kingdom of your Father, for ever. Since then so great honor is now given unto you by all competent judges on earth, and since so great a reward is laid up for you in heaven; go forth with alacrity to that work, to the which the Holy Ghost hath called you. God hath already given to you an illustrious pledge of his favor, an increase not to be expected without the aid of his grace. Ye have begun happily, proceed with spirit. He, who hath carried you safely through the dangers of the seas to such a remote country, and who hath given you favor in the eyes of those whose countenance ye most desired; He who hath so liberally and unexpectedly ministered unto your wants, and who doth now daily add members to your church; He will continue to prosper your endeavours, and will subdue unto himself, by your means, the whole continent of oriental India. O happy men! who, standing before the tribunal of Christ, shall exhibit so many nations converted to his faith by your preaching; hap-

py men! to whom it shall be given to say, before the assembly of the whole human race, 'Behold us, O Lord, and the children whom thou hast given us;' happy men! who, being justified by the Saviour, shall receive in that day the reward of your labors, and also shall hear that glorious encomium, 'Well done, good and faithful servants; enter ye into the joy of your Lord.' May Almighty God graciously favor you and your labors in all things. May he send to your aid fellow-laborers, such and so many as ye wish. May he increase the bounds of your churches. May he open the hearts of those to whom ye preach the gospel of Christ; and hearing you, they may receive life-giving faith. May he protect you and yours from all evils and dangers. And when ye arrive (may it be late) at the end of your course, may the same God, who hath called you to this work of the gospel, and hath preserved you in it, grant to you the reward of your labor,—an incorruptible crown of glory.

"These are the fervent wishes and prayers of, Venerable Brethren,

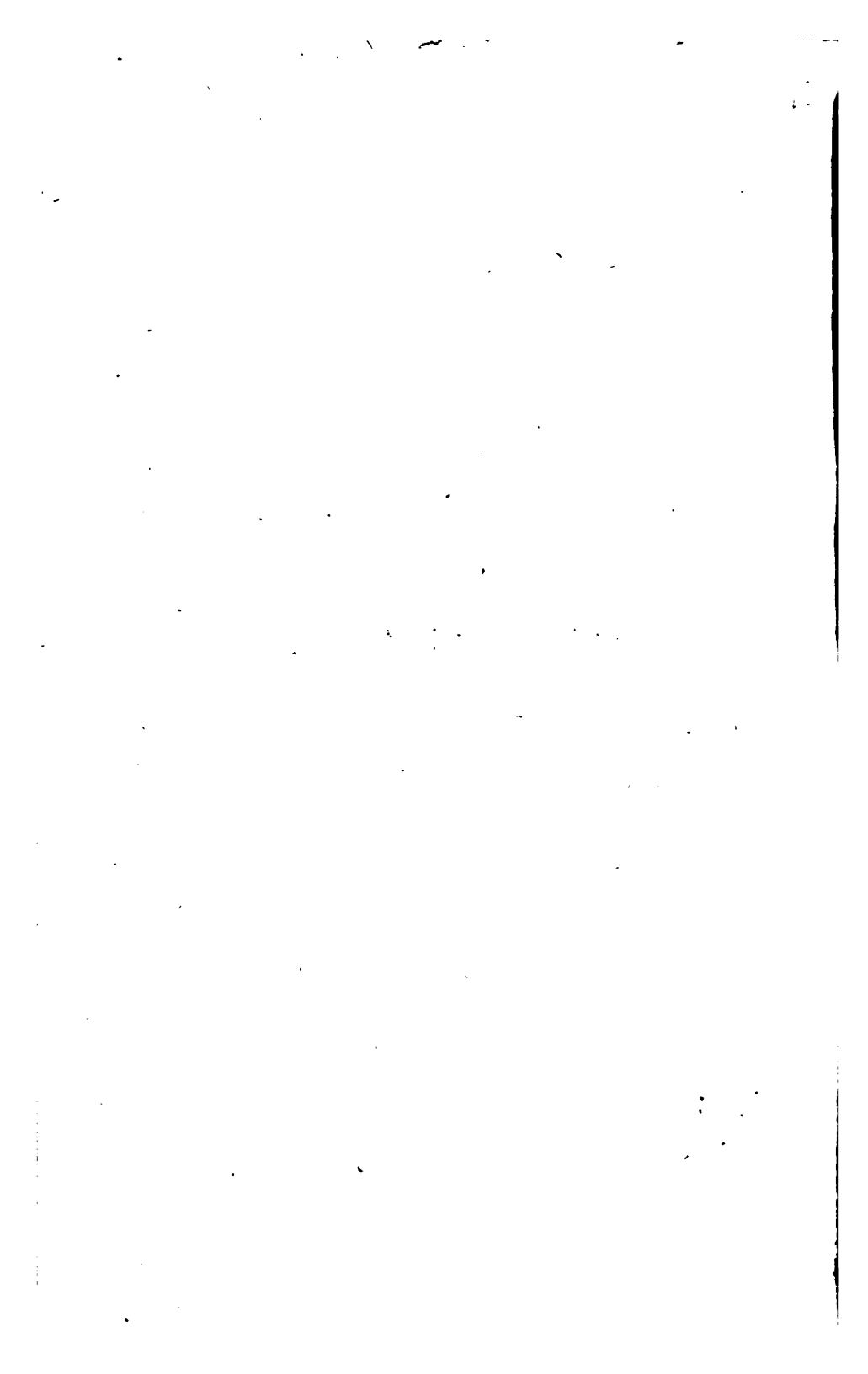
"Your most faithful fellow-servant in Christ,

"GULIELMUS CANT."

"From our Palace at Lambeth, January, A. D. 1719."

I cannot here refrain from adverting to the admirable sermon of the present lord bishop of London, delivered last year (1817), before the Society for Propagating the Gospel in Foreign Parts, and which precedes their last report.

The circumstance also may be here mentioned—and I shall only mention it—that if the efforts of the Church Missionary Society were suppressed, the number of missionaries in India and its dependencies, supported by members of the Church of England, would not exceed three or four; while those supported by other religious communities in this country amount to above seventy.



ON THE
ORIGIN AND VICISSITUDES
OF LITERATURE, SCIENCE, AND ART,
AND THEIR INFLUENCE
ON
THE PRESENT STATE OF SOCIETY.

A
DISCOURSE,

DELIVERED ON THE OPENING
OF THE
LIVERPOOL ROYAL INSTITUTION,

25th NOVEMBER, 1817.

BY WILLIAM ROSCOE, Esq.

LONDON :

1818.

To the Proprietors of the Liverpool Royal Institution, the following Discourse, published at the request of their Committee, is most respectfully inscribed.

LIVERPOOL ROYAL INSTITUTION.

COMMITTEE ROOM, 26TH NOVEMBER, 1817.

To WILLIAM ROSCOE, Esq. Chairman of the Committee.

Dear Sir,

We solicit the favor of your consenting to publish the Discourse, which we had yesterday the gratification of hearing you deliver, on the opening of this Institution.

We are, dear Sir,

Your most obedient servants,

JOHN GLADSTONE, Deputy Chairman.

WM. CORRIE.

THO. EARLE.

W. WALLACE-CURRIE.

WM. WAINEWRIGHT.

FLETCHER RAINCOCK.

THO. STEWART TRAILL, M. D.

B. A. HEYWOOD.

J. VOSE, M. D.

JAS. GERARD, M. D.

CHARLES TURNER.

JOHN YATES.

JONA. BROOKS.

THO. MARTIN.

ISAAC LITTLEDALE.

A
DISCOURSE,

&c. &c. &c.

THE opening of this institution, which was intended to have taken place on the thirteenth of this month, has been postponed to the present day, in consequence of one of those unexpected and awful events which suddenly call off the attention of a people from their usual avocations, and render them for a time insensible to every thing but the calamity they have experienced¹—a calamity which has, in the present instance, blighted the public hope, and carried grief and consternation into the bosom of every private family. Even at this moment, when the first shock of this great national loss is over—when the last obsequies to departed excellence are paid, and the beloved object of them is embalmed in your memories, I cannot but be anxious lest I should intrude upon your feelings, in thus calling your attention to other subjects :—but, independent of my sense of duty to those who have confided to me this task, I feel the strongest conviction, that in the midst of this great public and private calamity, in which the tears of the father and of the prince are mingled with those of the husband and of the people, you will have derived consolation from that source whence alone it is to be obtained—from a deep and humble submission to the dispensations of that Being, who balances in his hands the destinies of nations, who can call light out of darkness, and who from the most gloomy and alarming circumstances can produce order, harmony and peace.

AMONGST the many attachments by which society is bound together, may properly be enumerated that which arises from the desire of attaining the same object, or from a participation of

¹ The death of Her Royal Highness the Princess Charlotte.

studies and pursuits; and this attachment is perhaps still stronger, when such object is of a great, disinterested and meritorious nature, intended to promote the welfare of others and to extend its benefic effects to future times.—It is therefore with no common ~~are~~ of gratification, that I now find myself in the midst of an assembly convened together for the purpose of opening, in this great commercial town, an institution for the promotion of science, of literature and of art—an institution which has already been distinguished by royal patronage, and has received the liberal support of the municipal authorities of the place in which we live, whose members now honor us with their presence. Appointed by your Committee to address you on this occasion, I gladly avail myself of the opportunity, at this our first meeting, to congratulate you in our united names on the success which has hitherto attended our efforts; and to express our ardent wishes and humble hopes, that the Great Disposer of events may approve of the motives which have given rise to this attempt, and may render it subservient to those purposes of extensive utility which it is its avowed object to attain.

It will perhaps be expected that I should devote the time in which I hope to be honored with your attention, to explain the nature of this Institution; to point out the system of instruction to be adopted; and to expatiate on the various objects which it is intended to embrace; but this has already been done, as fully as present circumstances admit, first, in the detailed plan, and more recently in the Report of the Committee; both of which have been printed and submitted to the consideration of the proprietors. I shall therefore indulge myself, on the present occasion, in a wider range; and shall endeavor to discover to what causes we are to attribute the rise and progress of Letters, of science and of art, and to trace the vicissitudes which they have experienced; at the same time taking notice of the bearings they have upon the more important avocations of life, and on the prosperity of those countries in which they have been encouraged. These inquiries appear to me to be highly essential to our present purpose; as enabling us, in the first place, to determine how far the accomplishment of our object depends upon extrinsic circumstances, and how far on our own exertions; and secondly, as tending to confirm us in the opinion, that scientific and literary pursuits are not only consistent with our more serious avocations, but that they have a direct and manifest tendency to promote the welfare and exalt the character of every community into which they have been introduced.

To whatever remote period we may trace back the history of the human race, and in whatever state of ignorance we may find them, we must allow them to possess those feelings and characteristics which are common to our species. Hence man, in his

most uncultivated state, is as much alive to acts of beneficence as when he is improved by taste or enlightened by science. Generosity awakes his gratitude, and acts of hostility excite his resentment. The favors which he receives and sensibly feels, he will endeavor to acknowledge by some external act or expression; and his first effort for this purpose is that germ of civilization and refinement, the development of which future circumstances may either hasten or retard.

Whether we suppose the idea of a Supreme Being to be innate or acquired, it is certainly one of those sentiments which are incident to the earliest periods of society; insomuch that we can scarcely suppose any nation to have been so ignorant, as to have enjoyed the bounties of Providence without once asking whence they were derived. It is indeed so natural that this should be the first reflection that must occur to a rational mind, that the aptitude and propriety of the conduct to the situation, satisfies us with the representation given by our great poet, of the feelings and language of our common parent—

—"Thou sun, said I, fair light!
And thou, enlightened earth, so fresh and gay!
Ye hills and dales, ye rivers, woods and plains,
And ye that live and move, fair creatures, tell,
Tell, if ye saw, how came I thus, how here?
—Not of myself—by some GREAT MAKER, then,
In goodness and in power pre-eminent;
Tell me how I may know him, how adore,
From whom I have, that thus I live, and move,
And feel that I am happier than I know."

If from previous reasoning we are led to suppose that such would be the language of a rational being, in the situation described—that opinion may perhaps be thought to receive some confirmation from the consideration, that the earliest traces of literary composition have in all countries been devoted to religious purposes, and to the acknowledgment of blessings, which it was impossible in any other manner to repay.

But with all these succours, the individuals of the human race are still weak without the aid and support of each other. Hence the man who first teaches us to screen ourselves from the inclemencies of the weather, who instructs us how to till the earth, or to navigate the ocean, who frees the country from beasts of prey, or opposes himself to the brutal fury of the oppressor, appears, in the estimation of those who are benefited by his labors, as a being of a superior order, entitled to their esteem, their veneration, and their homage. To attempt refined distinctions is not the character of a rude people—and hence the origin of Polytheism, or Hero-worship; which has been considered by a distinguished

though upon grounds which I own do not carry with them conviction to my mind, as the "primitive religion of uninstructed

It is it alone to the emotions of gratitude and the sense of God, that we are to attribute the expansion of those feelings which are expressed in works of literature and art. Whatever forcibly interests the affections of man, may be esteemed a concurrent cause of the efforts which he makes to communicate to another his own peculiar impressions. To the passion of love, we may in all ages attribute the most affecting and refined productions of the human intellect—even resentment and indignation have had no inconsiderable share in calling into action the faculties of the human race.

The intimate connexion which subsists between literature and the arts, is in no instance more apparent than in their common origin, and the certainty with which they may be referred to the same principles of human nature. Those emotions of admiration, of gratitude or of love, which call forth from one the spontaneous effusions of warm and energetic language, excite in another person the desire of perpetuating the resemblance of the object of his affection, or of recalling to memory those scenes which had afforded him so much pleasure. Whilst the poet celebrates in elevated language the deeds of his hero, the painter animates his canvas with the same subject; and whilst the former relates to us an impassioned narrative, the latter brings the transaction immediately before our eyes. The course of improvement thus begun is encouraged by applause, and excited to a still higher pitch by emulation; till at length not only individuals but nations become distinguished by their superior proficiency in these pursuits.

It may, however, justly be thought extraordinary, that when mankind have once arrived at a high degree of improvement, and by long and unwearied exertions have divested themselves of the shackles of ignorance, they should again be liable to fall into a state of debasement, and to forfeit those acquisitions which required such an effort of genius and of labor to obtain. It might reasonably have been presumed, that when letters and arts had arrived at a certain eminence, when the principles on which they are founded are known and acknowledged, and particularly when those principles are illustrated and exemplified by the permanent labors of the chisel, the pencil, and the pen, mankind would thus far have secured their progress; and instead of having to fear a relapse into their former state of ignorance and barbarism, would only have to look ardently forwards towards higher degrees of improvement.

Experience however affords a perpetual proof, that this is not

the condition of our nature. Even when knowledge and taste have been interwoven with the very manners and habits of a people, disseminated amongst large and prosperous nations, frequent stances have occurred, in which they have in a short time been obliterated and lost; insomuch that their very existence would be problematical, were it not for the ocular and substantial proof which they have left of their former excellence, and which, when measured by the powers and capacities of succeeding ages, appear like the productions of a superior race of beings.

To what causes we are to attribute the progress or decline of a nation, in letters, or in arts, is certainly an investigation of no inconsiderable difficulty. Mr. Hume appears to have doubted whether the rise and progress of all the refined arts are not rather to be attributed to chance; as if chance meant any thing more than causes which it is difficult or perhaps impossible to ascertain. He concludes, however, that "in many cases good reasons may be given why a nation is more polite and learned at a particular time than any of its neighbours;" and proceeds to explain this circumstance upon grounds to some of which it will be necessary hereafter to advert.

If we may trust to a very ancient popular opinion, the energies of nature have, from the earliest records of society, been continually declining; so that the productions of her later years can stand in no degree of comparison with those of her more vigorous youth. From the days of Homer, this has been the general burthen of the poet's song, and has frequently been confirmed by the deliberate sanction of the philosopher.—But although opinions mostly obtain credit by their antiquity, this opinion, in particular, derives no advantage from that circumstance. On the contrary, that very antiquity is the most decisive proof that it is wholly unfounded. If the human race had declined from its pristine vigor between the period of the Trojan war, and the time of Homer, to what a degree of imbecility must it have fallen in the reign of Augustus! And if, in like manner, the complaints of the Roman poets, of the deterioration of the human race, be well founded, to what a miserable state of degradation must it before this time have been reduced! After so long a descent, is it possible that nature could still have produced a Dante or an Ariosto? a Shakspeare or a Milton? a Corneille or a Racine? Names which, without an invidious competition with those of ancient times, will sufficiently shew that her vigor is not exhausted; but that she still continues to bring forth the fruits of the mind, no less than those of the earth, in all their original strength, quality, and flavor.

In direct opposition to this dispiriting idea of the declining condition of our nature, others have entertained an opinion, that the human race is in a regular and progressive course of improvement, and that every age of the world is more enlightened than

th preceded it. As a proof of this, they point out the state of each nation, and trace its progress from barbarism to civilization, from civilization to refinement. Instead of bowing before the mighty names of antiquity, and acknowledging any superiority of intellect, they pretend to avail themselves of the knowledge of former times, and suppose that by uniting with it the important discoveries of the moderns, the circle of knowledge is enlarged, and the conveniencies, and even the elegancies of life rendered much more attainable than at any former period. Under these impressions, they scruple not to express their contempt for every former state of society, and their high opinion of that in which they have the happiness to live. Not however content with the eminence at which they have arrived, hope spreads her wings and launches into the realms of conjecture; and the confidence of having done much, gives the assurance that we shall accomplish more. Without wishing to damp this ardor, it may be proper to observe, that if we are to judge from the experience of past ages, we shall scarcely be allowed to conclude that such regular, or progressive improvement, is the characteristic of the human race. If such were the fact, it must of course follow, that nations once civilized never again become retrograde, but must continue to rise till they attain their highest degree of perfection. But where are the countries in which letters and arts have made an uninterrupted progress? or where have they for any great length of time been even stationary? Is India still the fountain of knowledge? and can she boast of her sages, the oracles of wisdom, who attract inquirers and disciples from distant regions? Is the condition of Egypt improved by the flight of three thousand years? or have her pyramids been surpassed by the labors of subsequent times? What was Greece once? what is she now? Characterised in the first instance by whatever was bright in genius, rich in intellect, excellent in art—in the latter by whatever is degraded and servile in human nature. Contrast republican with papal Rome. Examine the names that grace the rolls of antiquity, from the first to the second Brutus, and ask whether the inhabitants of modern Rome will be as well known at the distance of two thousand years; as their illustrious predecessors. Alas the scene is changed! and for century after century the peasant and the slave have trampled on the dust of heroes, as unconscious of their worth as the cattle that crop the herbage on their remains. Such is the boasted improvement of the human race; such the permanency of knowledge in nations where she has once established her seat! The tree perishes; and the transplanted scions will, unless they be carefully fostered, experience in their turn a similar fate.

Dismissing then the idea that there is in the human mind an

inherent tendency towards either improvement or deterioration, let us now briefly inquire into the other causes which are supposed to have contributed to those vicissitudes which it has successively experienced. Of these causes, few have been more strongly insisted on than those occasioned by diversity of climate and local situation. "There are even countries," it has been observed by an eminent French writer,¹ "where the inhabitants have never received the first rudiments of improvement, and where it is probable they never will make any proficiency;" and he conceives he can exactly ascertain within what degrees of the equator such countries lie. To this it may be replied, that had such been the case, letters and arts must have been permanently confined to those countries only which are more favored in point of situation than the rest of the globe. But the assertion is not borne out by experience. "Under the same climate," says a judicious foreign author,² "the Greeks rose from a wild and barbarous people, till they became the masters of the world; and that very Greece, which was so many years the garden of Europe, afterwards became a sterile desert. Bœotia lay in the vicinity of Attica, and consequently enjoyed the same climate; yet the Bœotians were accounted as stupid as the Athenians were acute. The splendor of Grecian science was diffused not only through Greece itself, but extended to colonies far distant from the metropolis, and very different with respect to climate." It requires indeed no very extensive acquaintance with history to discover, that the progress of letters and arts is not restricted by rivers or mountains; or that neither heat nor cold are uniformly hostile to the progress of learning; which at one time chose its residence amidst the sultry plains of Egypt, and at another rested on the frozen shores of Iceland. Such indeed is the constitution of man, that in many instances the facility of success deadens the desire of it, and the obstacles which he encounters only serve to give a keener edge to his exertions. "In those northern ungenial climates," says the learned President of the Linnæan Society, "where the intellect of man indeed has flourished in its highest perfection, but where the productions of nature are comparatively sparingly bestowed, her laws have been most investigated, and best understood. The appetite of her pupils was whetted by their danger of starvation, and the scantiness of her supplies trained them in habits of economy, and of the most acute observation."³

It has been asserted by many writers, in accounting for the vicissitudes of the arts and sciences, that they contain within themselves the principles of their own destruction; insomuch, that when

¹ The Abbé du Bos.

² The Abate Andres.

³ Sir J. E. Smith's Review of the Modern State of Botany.

they have arrived at their highest excellence, they, in the course of human affairs, perish and decay. Thus Mr. Hume asserts, that "when the arts and sciences come to perfection in any state, they naturally, or rather necessarily, decline, and seldom or never revive in that nation where they have formerly flourished;" and the judicious Tiraboschi admits, that "it is common to all the studies that are connected with the progress of taste, such as eloquence, poetry and history, as well as to the three sister arts, that when they have arrived at perfection, they as certainly return to that level from which they rose." This the learned Italian has endeavored to account for, by supposing that it is occasioned by an overstrained refinement, or a desire of excelling even those who may be considered as the just standards of eloquence and of taste. "Thus," says he, "Asinius Pollio reprobated the style of Cicero, as weak, languid and unpolished, and introduced, in its stead, a kind of declamation so dry, meagre and affected, that it seemed to recall the rudeness of the early ages. The two Senecas, the rhetor and the philosopher, followed, and, by refining still further on the matter and the style, reduced the art to a still lower ebb." But whilst we may assent to the truth of these observations, we cannot but perceive that they contain little more than the mere statement of a fact, in which we must all agree; and that we must still recur to the question, to what cause is this alteration in the public taste, this decline of liberal studies, to be attributed? The ball will not rebound till it has reached the mark; and it may with confidence be asserted, that neither literature nor art have ever yet attained their highest degree of perfection. We must therefore endeavor to discover the causes of this decline in some essential alteration in the condition and manners of a people, which degrades their dignity, perverts their moral character, and corrupts and extinguishes their taste. Thus, instead of supposing that the style of Cicero had attained such a degree of excellence, as to afford no opportunity for future orators to display their powers, will it not be more to our purpose to inquire, what was the character of the age in the time of Cicero, and at the period when this decline took place? In the former, Rome was free, and the orator, fearless of offence, discussed in language as unrestrained as it was eloquent, affairs of the highest importance to individuals or the state. In the latter the people, after a series of oppression, as disgraceful to the sufferers as odious in their tyrants, lost, with the dignity of their subject, the energy and simplicity of their style. The same circumstances occurred in Italy in the beginning of the sixteenth century; when the independent states of that country fell under the dominion of despotic princes, and the free and vigorous mode of composition that distinguished the revivers of learning, gave way to a more verbose, affected and

enervated manner; till, with their independence and strength of character, the people lost that truth of feeling and correctness of taste, which can be permanently established on no other foundation. Thus whenever we find that a change has taken place in the literary taste of a nation, we may frequently discover the cause of it in the change of opinions and manners consequent upon the events of the times, and the different combinations of society; and although we may not always be able to trace these causes with precision, this will scarcely justify us in denying one of the first maxims of philosophy, and supposing that in matters of taste, effects are produced without a cause.

From these considerations it will perhaps appear, that instead of attributing the progress or decline of letters and arts to the influence of climate, or to any stated and unavoidable vicissitude, we are to seek for them in the unceasing operation of moral causes, in the relations of society, and the dispositions and propensities of the human mind. One of the most important of these relations is that by which we are connected with the government under which we live; and accordingly many writers have sought in the nature of such government, the causes of the improvement or deterioration of the human race. That the enjoyment of civil liberty is indispensable to the cultivation of literature, is an opinion which has been very generally advanced. "It is impossible," says Mr. Hume, "for the arts and sciences to arise at first among any people, unless that people enjoy the blessing of a free government." In illustrating this position, he observes that a despotic monarch, governing a large tract of country, never conceives the idea of securing the happiness of his people by established laws, but delegates his full power to inferior magistrates; each of whom "governs the subjects with full authority as if they were his own, and with negligence or tyranny as belonging to another." "A people governed after such a manner," he adds, "are slaves, in the full and proper sense of the word, and it is impossible they can ever aspire to any refinements of taste or reason. They dare not so much as pretend to enjoy the necessities of life in plenty or security. To expect therefore that the arts and sciences should take their first rise in a monarchy, is to expect a contradiction." But although this sentiment in various forms, and with various modifications, has been often asserted, this has not deterred others from avowing a contrary opinion. Amongst these, one of the most strenuous is the Abate Andres, whose learned and extensive work on this subject gives great weight to his authority. "To contend," says this author, "that the genius is depressed under a monarchical government, or that in a republic it acquires with the enjoyment of liberty a greater degree of elevation, is to assert a sophism, which is confuted by public experience

—as if a Corneille, or a Bossuet, had found the sublimity of their talents depressed by their having lived under a powerful monarchy; or as if Galileo, Lord Bacon, or Descartes, had lost, in the vexations they experienced, their freedom and elevation of mind!" The age of Louis XIV. was a period of high civilization and distinguished literary excellence. "Perhaps," says the lively historian of that period, "it is that of all the rest which approaches the nearest to perfection." Yet this improvement was not the result of a free government, but the spontaneous growth of a country which had long been a stranger to political and civil liberty, and which even gloried in its subjection to despotic control. A review of these circumstances, then, so far from satisfying our enquiries, would serve rather to convince us that the progress or decline of literature depended wholly upon other causes, and that particular modes of government are either equally indifferent to it, or at most affect it only in a very slight and unimportant degree.

In attempting to decide upon these opposing facts and discordant opinions, it may, in the first place, be observed, that it is not on the professed or nominal form of a government, that its aptitude, or inaptitude to the promotion of literature, depends. A jealous and suspicious government, whether it be a monarchy or a republic, or by whatever name it may be distinguished, locks up the faculties and deadens the energies of a people. The truth seems to be that all governments derive their support from public opinion, and that when any government, whatever its denomination may be, is firmly established, it can admit of a degree of liberty in its subjects, which might be supposed likely to prove injurious, or fatal, to a more precarious or unsettled authority. The favorable opinion of his subjects was perhaps never conciliated by any prince in a greater degree than by Louis XIV. By whatever qualifications this confidence was obtained, it is certain that his administration enjoyed a degree of stability and splendor beyond that of any other European potentate. In proportion to the liberty conceded, was the proficiency made by his subjects. Within the precincts of that court, Fenslon produced his immortal work, which would have done honor to a Spartan legislator; and Boileau, with a freedom, which an arbitrary government has seldom tolerated, dared to oppose the whole strength of his genius to the favorite pursuit of his monarch, that of military glory, and endeavoured, by the precepts of wisdom and the blandishments of wit, to abate that insatiable ambition, which proved so fatal, not only to the repose of his own subjects, but to that of Europe in general. According then, to the degree of confidence which any government has in its own stability, will, in general, be the liberty allowed to the expression of the public sentiment, and in proportion to this liberty, will be the proficiency made in literary pursuits. Nor

must this freedom of opinion and expression be confined to particular subjects. Few governments, however arbitrary, have attempted to restrain enquiries purely scholastic; the studies of classical literature or the pursuits of scientific curiosity; but this is not sufficient for the interest of letters. Debarred from expatiating at large on those more important subjects, which involve the regulations of society in politics, in morals, in manners and in religion, the human faculties become contracted, devoted to minute and trivial discussions, and unable to operate with vigor and effect even upon those subjects which are permitted to their research.

It has, therefore, seldom been in the power of an absolute monarch, whatever may have been his celebrity, to afford a degree of literary liberty equal to that which the people enjoy under a mixed or popular form of government; and indeed, with whatever liberality it may be granted, it cannot be for a moment forgotten, that it is a bare concession of the sovereign, existing only during such time as his own interests may appear to him to admit of it, and accompanied with such conditions and restraints as he may think proper to prescribe. Hence, it is neither so certain in its duration, nor so extensive in its effects, as that which is founded in right and defined by known and established laws. In a government legitimately constituted, the freedom of enquiry and of expression is a permanent principle interwoven with the existence of the state; in an absolute monarchy it is temporary and accidental, depending upon the character and will of the prince, and may be suppressed or extinguished whenever he may conceive that his interest or his safety requires the adoption of such a measure. The consciousness that this power, though not exercised, still subsists, and the uncertainty by what degree of irritation it may be provoked, deaden the efforts of the timid, and restrain and circumscribe those of the bold; whilst the dissolving influence of arbitrary favor is often too powerful for even genius itself to resist.

But another striking distinction between a despotic and a popular government, as applied to the improvement of the human intellect, still remains to be noticed. In the former, as the administration of public affairs is concentrated in an individual, who is jealous of any interference in the exercise of his authority, a large field of enquiry and of improvement is shut out from the investigation of the people, whose chief incitement to exertion is the hope of those favors and rewards which the sovereign may think proper to bestow. But in a state which partakes of the nature of a popular government, the path to distinction, to honor, to wealth, and to importance, is open to all, and the success of every individual will, in general, be in proportion to his vigilance and his talents. The studies of literature are only a reflexion or shadow of the transactions of real life; and he who is a stranger to the hopes and fears,

to the passions and emotions which agitate the mind in the affairs of the world, however he may be conversant with words and modes of expression, will only repeat, perhaps in a more elegant form, the ideas of others, but will never attain that originality and strength of thought, which are only derived from close examination and long observation of actual life. Wherever we turn our eyes on the annals of literature; we find its brightest ornaments amongst those who have retired from the field, from the senate, or from the bar, to bend the strength of their well-exercised and indefatigable minds towards the pursuits of science or the cultivation of taste. It is they who have not only supplied the materials of history, but have taught the right use of those materials. In their works we see the living picture of man, such as he has been in all ages and in all his variations. It is they who have given animation and reality to these studies, which without their frequent interference and powerful aid, would long since have degenerated into puerile and effeminate amusements.

Amongst the external causes that deaden the operations of the intellect, and destroy the vital principle of exertion, few have been more effectual than a state of public insecurity, and the long continuance of desolating wars. When the mind is agitated by apprehension, when the means of subsistence are precarious, when domestic attachments are endangered, and the duration of life itself is uncertain, how is it possible to turn to those studies which require uninterrupted leisure, and a perfect freedom not only from the severer calamities of life, but from the casual interruptions of society? The circumstances in which all Europe was placed during the middle ages, when, for a long course of time, one species of desolation was followed by another in quick succession, and the world was thinned in its numbers by famine, by pestilence, and by the sword, or debilitated and exhausted by oppression in every variety of form, exhibit too certain a cause of the deep debasement of the human mind and of the almost total relinquishment of liberal studies. Even independent of the miseries occasioned by war, whether unsuccessful or successful, its long continuance is hostile and destructive to letters and to arts. The ferocious spirit which it excites is highly discordant with that disposition which consults not merely the being, but the well-being of the human race; and endeavours to communicate to them the highest pleasures of which their nature is capable. In the arrogant estimation of brutal strength, wisdom and learning are effeminate and contemptible; and where those qualities are little esteemed, the attainment of them will no longer excite exertion. Even the interruption which takes place in the intercourse between different states, during the continuance of a war, is itself highly unfavorable to the progress of science and letters; as it prevents that free

communication of discoveries and opinions between men of talents and genius, which excites a national and generous emulation, and has tended in a great degree to the improvement of mankind.

Thus then it appears that a state of general tranquillity, and a government which admits of the free exertions of the mind, are indispensably necessary to intellectual improvement. But these are only negative advantages. Though the blossoms may escape the blight and the mildew, yet warm suns and timely showers are requisite before they can expand, and ripen their fruit. It would, in fact, be in vain to expect that the arts and sciences should flourish, to their full extent, in any country where they were not preceded, or accompanied, by a certain degree of stability, wealth, and competency; so as to enable its inhabitants occasionally to withdraw their attention from the more laborious occupations of life, and devote it to speculative inquiries and the pleasures derived from works of art. Whenever any state has attained this enviable pre-eminence, and enjoys also the blessings of civil and political liberty, letters and arts are introduced—not indeed as a positive convention of any people, but as a natural and unavoidable result. Nor has the cultivation of these studies been injurious to the prosperity, the morals, or the character of a people. On the contrary, they have usually exhibited a re-action highly favorable to the country where they have been cherished; not only by opening new sources of wealth and exertion, but by exalting the views, purifying the moral taste, enlarging the intellectual and even the physical powers of the human race, and conferring on the nation where they have once flourished, a rank and a distinction in the annals of mankind, the most honorable and the most durable that can be attained.

It is not merely on industry, but also on the proper application of industry, according to the nature, situation, and productions of a country, that its prosperity depends.—Whether this be obtained by internal or external exertions, by agriculture, by manufactures, or by commerce, or by the judicious union of all these, the same result may take place; but of all employments the cultivation of the earth, as it is the most indispensable, is also the most natural to man. An attachment to the country, to rural concerns and rural prospects, seems interwoven in our very constitution. Even in the most polished state of civilization, and in the highest ranks of society, we find the attention and the affections still turned towards these subjects, which have been dwelt upon with pleasure by men of the greatest genius in every age and nation, and have never failed, as often as recalled in their delightful pictures, to affect the mind with the purest gratification. Hence it will follow, that the pursuits of agriculture tend not only to procure that competency which is requisite to our individual support, but at the

same time to inspire those dispositions and feelings which are the source of intellectual enjoyment, and result in the productions of literature and taste. Instances might be adduced, both in ancient and modern times, where the prosperity, and even the refinement, of a nation have been chiefly raised upon the basis of successful agricultural pursuits; but it will not thence follow that these ought to be the exclusive, or even the principal occupation of every nation—the choice of which must depend on the local situation and internal resources of any particular country; by a proper adaptation of which we have seen the most unfavorable and barren portions of the earth not only covered with an extensive population, enjoying all the conveniences and elegancies of life, but becoming the seat of arts and science, and assuming a rank amongst nations, which many of the most favored and fertile countries have not been able to attain.

The effect of manufactures is different; and upon the whole not so conducive, perhaps as agriculture to the formation of intellectual character. Inasmuch, however, as they tend to increase the wealth of a country, they may be classed amongst those occupations which form the texture of the web of which letters and arts are the ornaments; but it is much to be feared that the unavoidable tendency of these employments is to contract or deaden the exertions of the intellect, and to reduce the powers both of mind and of body to a machine, in which the individual almost loses his identity and becomes only a part of a more complicated apparatus.¹ Independent, however, of the direct and indispensable necessity of these occupations to the conveniency and accommodation of life, it must be observed, that without manufactures, neither agriculture nor commerce could avail themselves of their energies to their full extent. It is they which enhance the value of the productions of the one, and multiply those articles which are the objects of mutual interchange to the other.

Of the connection that has, from the earliest ages, subsisted between commerce and intellectual improvement, the records of

¹ In thus stating the effects of manufactures on individual character, I am sensible I may be thought rather to have adverted to a former period than to the present time, when improvement is not merely confined to the producing a cheaper and better article, but is in many instances extended to the ameliorating the condition and cultivating the understanding of the persons employed, particularly of the young. The great importance of manufactures to this country, in its present situation, ought to prevent their being discouraged by any objections which may possibly be removed; and sufficient has certainly been done, in some of our largest establishments, to prove that the comfort and respectability of this laborious part of the community may be attained not only without detriment or expense, but with great and positive advantages to those who have adopted so judicious and humane a plan.

the human race bears constant evidence. The perfection and happiness of our nature arise in a great degree from the exercise of our relative and social feelings; and the wider these are extended the more excellent and accomplished will be the character that will be formed. The first step to commercial intercourse is trade and selfish, and consists of little more than an interchange, or barter, of articles necessary to the accommodation of the parties; but as this intercourse is extended, mutual confidence takes place; habits of acquaintance, and even of esteem and friendship, are formed; till it may perhaps without exaggeration, be asserted, that of all the bonds by which society is at this day united, those of mercantile connection are the most numerous and the most extensive. The direct consequence of this, is not only an increase of wealth to those countries where commerce is carried on to its proper extent, but an improvement in the intellectual character, and a superior degree of civilization in those by whom its operations are conducted. Accordingly we find, that in every nation where commerce has been cultivated upon great and enlightened principles, a considerable proficiency has always been made in liberal studies and pursuits. Without recurring to the splendid examples of antiquity, it may be sufficient to advert to the effect produced by the Free States in Italy, and the Hanse Towns in Germany, in improving the character of the age. Under the influence of commerce the barren islands of Venice, and the unhealthy swamps of Holland, became not only the seats of opulence and splendor, but the abodes of literature, of science, and the fine arts; and vied with each other not less in the number and celebrity of eminent men and distinguished scholars, than in the extent of their mercantile concerns. Nor is it possible for us to repress our exultation at the rising prospects and rapid improvement of our own country,¹ or to

¹ I trust these prospects will be realized, as well in a commercial and financial, as in a literary point of view. But there is another kind of improvement, which, though less obvious, is perhaps still more important. I allude to the evident change which is taking place in the lower class of the community; and which, if duly encouraged, cannot fail of producing the happiest effects. However deeply the sufferings which this class have of late experienced are to be deplored, it is certain they have had a powerful effect in suppressing, by the mere impossibility of gratification, that disposition to intoxication and licentiousness, which has so long been the bane of industry and morals, and the reproach of our country. Hence a very great portion of our laborers are now become sensible of the necessity of restricting themselves in seasons of prosperity, and of paying an increased regard to the rules of economy and prudence; and this conviction has met with the most fortunate and best-timed support, in the establishment of banks for savings, and benefit societies, which are so well qualified to afford a different object and give a different character to those who engage in them. To these we may add, the many opportunities of education and improvement now afforded by the benevolence of the higher

close our eyes to the decisive evidence which every day brings before us, of the mutual advantages which commerce and literature derive from each other. Not only in the metropolis, but in many of the great commercial towns of the United Kingdom, academical institutions are formed, and literary societies established, upon different plans and with different resources, but all of them calculated to promote the great object of intellectual improvement. In some of these the town of Liverpool has led the way. It was, I believe, her Athenæum and Lyceum that set the first example of those associations which are now so generally adopted; and it may justly be observed, that these establishments have no longer left the beneficial influence which commerce and literature have on each other, to be inferred from historical deductions, or far-sought arguments, but have actually brought them together, have given them a residence under the same roof, and inseparably united the bold, vigorous, and active character of the one with the elegant accomplishments and lighter graces of the other.

It is not then by those more laborious and serious occupations only, to which we have before adverted, that a nation is raised to honor and prosperity. Imperfect indeed would be the civilization and improvement of that people, who, wholly devoted to husbandry, or manufactures, or the mutual interchange of commodities, should, from an apprehension of expending their wealth on useless objects and pursuits, refuse to encourage scientific inquiries, should withhold their protection from the fine arts, and debar themselves of the pleasures derived from works of literature and taste. Strange and novel as the assertion may appear, it is no less true, that the advantages and enjoyments which these studies and pursuits afford, are not only obtained without any expense to the country in which they are encouraged, but, that they actually repay, in wealth and emolument, much more than they require for their support. To what are all the astonishing improvements lately made in manufactures, in mechanics, in chemistry, and in every lucrative and useful occupation, to be attributed, but to the incessant researches and scientific discoveries of those distinguished individuals whose talents have been exerted to increase the products of the soil—to abridge the necessity of human labor—to produce at less expense an

classes, not only to youth, but to adults, and the gratuitous distribution of Bibles and instructive books to those who may be inclined to improve by them. Thus, as the superstructure of society expands into order and beauty, the foundations are continually strengthening and extending. Whatever may be the clash of political opinions, it must be allowed on all hands, that a well regulated and enlightened population is the surest guard of national liberty, tranquillity, and happiness; and cannot fail to effect, in due time, every desirable reform in government, which, in fact, is, in all countries, only the result of the spirit of the people.

article of superior quality or elegance, or to devise the means of carrying on the most dangerous occupations with comfort and security to the persons employed. Let us for a moment take our stand on the eminence at which we have already arrived, and ask what would be the consequences if we were again to be deprived of the advantages derived from scientific discoveries, and reduced to the situation we were in before such discoveries took place. In fact, it may now be safely asserted, that many of those occupations which, within the time of our own recollection, were carried on empirically, and without any certain knowledge of causes and effects, are now practised on scientific principles, and are become, in their turn, the best schools of information and experiment for those who are engaged in carrying the improvements of the present day to a still greater extent.

It would however be as degrading to ourselves, as it would be unjust to the dignity of science, to estimate her importance only in a direct and pecuniary point of view. That she has, in this respect, amply repaid the efforts that have been made for her encouragement, will readily be allowed; but is this the whole of her merits? Are the powers of the mind to be considered merely as subservient to the accommodation of our physical wants, or the gratification of our selfish passions? Is it nothing that she has opened our eyes to the magnificent works of creation? That she has accompanied us through the starry heavens? Descended with us to the depths of the ocean? Pierced the solid rock? Called in review before us the immense tribes of animal and vegetable life, and from every part of the immense *panorama* of nature has derived an infinite source of the most exalted pleasure and the truest knowledge? Is it nothing that she has opened to our contemplation the wonderful system of the moral world? Has analyzed and explained to us the nature and qualities of our own intellect? Defined the proper boundaries of human knowledge? Investigated and ascertained the rules of moral conduct and the duties and obligations of society?—Whatever is wise, beneficent, or useful in government—in jurisprudence, in political economy, is the result of her constant and indefatigable exertions—exertions which always increase with the magnitude of the object to be attained.

Nor are the arts connected with design—as painting, sculpture and architecture, to be considered as a drawback on the accumulation of national wealth, or as useless dependants upon the bounty of a country. On the contrary, wherever they have been encouraged, they have contributed in an eminent degree not only to honor, but to enrich the state. How shall we estimate the influx of wealth into the cities of Italy in the sixteenth century, or into Holland and the Low Countries in the seventeenth, in return

for those works of art which, though highly prized on their first appearance, have continued to increase in value to the present day, and form at this time no inconsiderable portion of the permanent riches of Europe? See the productions of their artists sought after by the principal sovereigns and most distinguished characters of the times, who were proud to be represented by their pencils! and ask whether the remuneration conferred on their labors was exceeded by the profits obtained by single and individual exertions in any other department. ¹⁰ If it be conceded that the person who can produce an article of the greatest value from the least material bears the prize from his competitors, who can compare with the painter, who with a few colors and a sheet of coarse canvas, may, if endowed with the genius of a *Wiss*, produce, even in the present day, a work that shall be considered as inadequately recompensed by a sum of three thousand guineas; and that, at the same time, gratifies the taste, improves the moral sentiment, and confers honor on the artist and on the country in which it was produced?

I trust then it will be clearly understood, that it is not as a matter of pleasure and gratification merely, or in common acceptance, as an object of luxury, that I thus venture to recommend the cultivation of the fine arts. My purpose is to demonstrate their indispensable utility, and to show that where they are discouraged, no country must expect to obtain its full advantages, even in a lucrative point of view, much less to arrive at a high degree of civilization and prosperity, and to signalize itself in the annals of mankind. Whoever has attended in the slightest degree to this subject must acknowledge how intimately the improvements in our manufactures have kept pace with the proficiency made in the arts of design—so as to give us a manifest superiority in this respect over the rest of the world. At the same time there are departments in which those arts have, by their own sole and independent energies, greatly contributed to the wealth and reputation of the country; as in the instance of Engraving, in which for a long series of years we have so particularly excelled.¹ Nor can a proficiency be made in the lowest departments of these arts, without an ac-

- Blest art! whose aid the Painter's skill endears,
And bids his labors live thro' future years;
Breaks that restraint, which to the world unkind,
To some one spot the favorite work confin'd;
Gives to each distant land, each future age,
The features of the warrior, saint, or sage;
- The grace that seems with beauty's queen to vie;
The mild suffusion of the languid eye;
Till with the Painter's proudest works at strife,
The fragile paper seems to glow with life!

Fragment of a MS. Poem on Engraving.

quaintance with the highest. From one source only can the genuine stream be derived;—although, when once obtained, it may be diffused through innumerable channels.

But I begin to fear that I shall be misunderstood, and that in thus insisting on the direct advantages derived to a country from the cultivation of the fine arts, I shall be accused of treating the subject in a manner unworthy of you and of myself. I shall perhaps be told, that this only is a commercial or a manufacturing place that an idea could have occurred of raising upon those arts, whose province it is to delight the imagination and to elevate the mind, and of obtaining them down to labor in the dull round of pecuniary profit. My exculpation is very brief. If these arts are cultivated at all, the result which I have stated is unavoidable. If you will protect these arts, the arts will and ought to remunerate you. To suppose that they should be encouraged upon some abstract and disinterested plan, from which all idea of utility shall be excluded, is to suppose that a building can be erected without a foundation. There is not a greater error, than to think that the arts can subsist upon the generosity of the public. They are willing to repay whatever is devoted to their advantage; but they will not become slaves. If, in the infancy of their progress, some assistance should be requisite, such a necessity cannot long exist. The arts can only flourish where they command. Till an artist can produce a work of such merit, as to induce some individual to prefer it to its value in money, he ought not to expect a reward. It is a bounty and a degradation; and in its effects tends to mislead, and not to encourage the art. What should we think of giving a premium to the author of a worthless poem, by way of encouraging poetry? And yet it is generally from this class, both in arts and literature, that the complaints of the want of public patronage proceed. It was not thus with the great masters of former times. I speak not of those whose productions stand on the summit of art, which add to their intrinsic value the incidental merit of rarity, and are, when met with, estimated beyond gold and gems—of a Raffaele or a Lionardo da Vinci—I allude only to those whose works are numerous and well known—a Titian—a Guido—a Rubens—a Rembrandt—a Vandyke, and a long train of other eminent artists in Italy, in Flanders, and even in France, who dispensed a favor as often as they finished a picture, and by upholding the dignity established the utility of the art.

But higher views await us; and I acknowledge that I should be unjust to my subject were I to rest its pretensions here. Not that I intend to enter upon a definition of the pleasures derived from works of art, or of their collateral influence on the moral character; but I hope I may be permitted, in a more general and popular way, to state the utility and importance of these pursuits.

To what mode of expression, if it may so be termed, did the ancients resort, when they wished to perpetuate through future ages the ideal forms of their divinities, the achievements of their heroes, and the resemblances of their sages and their bards, but to the aid of sculpture? Nor has the art itself disappointed the expectations that were thus formed of it. The figures of Alexander or of Pericles, of Socrates or of Plato, of Cicero and of Cæsar, yet seem to live in marble, and we are as well acquainted with their features as with those of our contemporaries and our friends. Nor has this confidence in the immortality of art diminished in our own times. For the heroic deeds by which so many of our countrymen have of late years been distinguished, and which throw a beam of imperishable glory over the dark gulph of calamity and bloodshed in which Europe was so long involved, what has been a higher recompense, or what has marked in a more effectual manner, the applause and admiration of a grateful people, than those splendid memorials of sculpture which have been devoted to their memory? Such as you, who now hear me, have raised, with patriotic and pious hands, in the centre of your town, in the midst of your commercial transactions, to honor the memory of the greatest naval commander on record, and which in honoring him honors yourselves?

But the limits of my present discourse are circumscribed. I cannot on this occasion enter with you into the province of the sister art of painting—describe to you what she possesses in common with sculpture, or where she exhibits energies of her own. I may indeed safely intrust it to yourselves to appreciate the value of an art, which selects for you whatever is interesting, beautiful, or sublime in the records of past ages, or the events of present times, and brings it in its most impressive forms and circumstances, in living colors before you—which, though confined only to one moment of time, can concentrate in that point the past and the future, and display a scene that shall harrow up the feelings, or delight the mind;—that not confined to the bounds of reality, can enter into the wilds of imagination, and give form and features to those ideas which the poet can only express in glowing and appropriate language—that from the appearances of external nature can select and fix her ever-varying features, and give to the charm derived from delightful scenery, the additional charm of the conscious power of art—and lastly, that can add to all this the inestimable faculty, so beautifully described by one of the first poets of the present age:—

But thou! serenely silent art!

By heaven and love wast taught to lend

A milder solace to the heart;—

The sacred image of a Friend!

No softer forms of pleasure fled
 Thy softening, sweetening hints restore;
 For thou canst give us back the dead,
 Even in the loveliest looks they wore!

But whilst it may perhaps be admitted that the sciences and the arts amply repay the encouragement they receive, it may be supposed that the same remarks do not apply to the mere studies of literature, which withdraw so great a portion of time from more serious avocations. The delight and instruction which these studies communicate—the perpetual charm which they throw over our hours of leisure—the resources which they afford against indolence and languor, and the strong barrier which they form against vicious and degrading pursuits—all these will indeed be universally acknowledged; but in what manner they produce a re-action which contributes to the general wealth and prosperity of the community, is not perhaps so easy to perceive. (But although the silent and modest claims of literature are not so apparent as those of science and the fine arts, yet they are neither less numerous nor less substantial.—Even their direct and immediate influence, in this respect, is by no means inconsiderable.) How greatly, for instance, must these advantages have been felt by the city of Venice during the whole of the sixteenth century, when the immense number of literary productions which issued from her printing presses, must necessarily have employed in lucrative and useful occupations a very considerable portion of the population.—In the succeeding century, these profitable pursuits, which gave activity to so many different branches of manufacture, were transferred in a great degree to Holland and the Low Countries; where the excellent and learned works of so many eminent scholars were given to the world with such ability, industry, and correctness, as to raise the art of printing above the rank of a mere mechanical profession, and inseparably united the names of a Platin, an Elzevir, or a Wetstein, with those of a Lipsius, a Scäligér, a Grævius and a Gronovius, in that immense number of beautiful volumes which are still the pride of our collections. But it is scarcely necessary to recur to other times and countries, when we are surrounded by the most decisive proofs of the importance of this art in a mere pecuniary and commercial point of view. Such has of late been the diffusion of knowledge and the progress of taste in these kingdoms, such the proficiency made by our writers in every department, that in order to supply the avidity of the public, immense establishments and extensive manufactories are required—employment is afforded to a great body of skilful and industrious individuals, and the external as well as internal commerce of the country greatly promoted.

These immediate and direct advantages may however be considered as adventitious and unimportant when compared with the benefits which society enjoys from the cultivation of literature. Other branches of study have their peculiar objects of inquiry; but hers are unlimited and universal, and she may be considered as the support, the nurse, and the guardian of all the rest. Whether the discoveries of science are to be explained and recorded, whether the principles and connections of the fine arts are to be illustrated, whether the rules and institutions of society itself are to be demonstrated and defined—it is she who is intrusted with the important office. It is her peculiar task to express, and as it were to embody and cloath our ideas in clear, appropriate and unequivocal language,—to preserve and improve the purity and accuracy of expression, so as to render the communication and interchange of mind still more definite, clear and perfect. It is indeed easy to throw an air of ridicule or contempt on the multifarious labors of lexicographers and grammarians, as it is when we walk through a well-ordered garden to turn a glance of pity or indifference on the humble laborers who are binding up the flowers, or eradicating the weeds; but it must be remembered that without these labors, the garden would soon become an inextricable wilderness, or an useless waste. Let us call to mind the darkness of the middle ages—that long and feverish sleep of the human intellect, and ask to what circumstances we are to attribute our restoration to daylight and to exertion. A few mouldering manuscripts, long hidden in the recesses of monastic superstition, and discovered by these early students of words and syllables, sown in a short time, to excite throughout Europe the most ardent desire of improvement. The immense gulf that had separated the human race was no longer a barrier. The strong influence of kindred genius was felt through the interval of two thousand years; and the scholars of the fifteenth and sixteenth centuries were better acquainted with the sentiments and views, the talents and acquisitions, of the ancient Greeks and Romans than with those of their own countrymen in the century immediately preceding them. If indeed the gift of speech and the communion of ideas be essential to the human race, how must we honor those studies, that not only perpetuate the voice of former ages, but open an intercourse between nations and nation, and convert the world into one country? On how many even the political and commercial concerns of a people be conducted with safety and advantage, except by an acquaintance with the language, the customs, and the manners of those with whom our transactions are to take place?

Nor is it merely on preserving the purity or extending the utility of language and composition that literature founds her pretensions;

She has also departments of her own, the variety and importance of which need only to be stated to be universally acknowledged. It is to her that we are indebted for the records of the institutions and transactions of past ages—those lights and land-marks which enable us to steer with greater confidence through the difficulties that may yet surround us. It is she who has embodied and preserved, in immortal language, those splendid productions of fancy and imagination, which for so many centuries have been the delight and glory of the human race, and it is still her peculiar province

“to catch the manners living as they rise,”

and to hand down to future ages the true form, and features, and characteristic traits of the present day. If the discovery of the art of printing be in fact, as it is usually considered, one of the most fortunate events in the history of mankind, it is only by the exertions of literature that its promised advantages can be obtained. Will it then be said, that these studies and occupations, which extend to the most important objects of human inquiry and pursuit, and yet intermingle themselves in the daily and hourly concerns of life, which improve the understanding, charm the imagination, influence the moral feelings, and purify the taste, are adverse to the interests and injurious to the character of a great community?—If such had been the case, is it likely that states and kingdoms would have contended for the honor of having given birth to those illustrious persons whose names adorn the annals of past ages? or is there any circumstance that throws over a country a brighter lustre, than that which is derived from the number and celebrity of those men of genius to whom she has given rise?

In thus attempting to vindicate the studies of literature and the cultivation of the fine arts chiefly on the principle of utility, I am not insensible that I may be supposed to be indifferent or adverse to the opinions of those who have defended them on other grounds. There are many persons who contend, that their object is to please; and who attribute the enjoyment we derive from them to the bounty of the Creator, who throughout the whole of his works has shown that an attention to order, to elegance, and to beauty, corresponding to certain fixed principles in our constitution, forms a part of his great and beneficent plan. But whilst I admit the full force of this argument, I conceive that, in this instance, there exists no necessity for our separating the ideas of utility and of pleasure, and of relying for our justification on one of them only. The gifts of the Creator are full-handed; nor has he always placed it in our power to accept of that which is indispensably necessary without at the same time compelling us to accept of the pleasure that accompanies it. We may morosely suppose that fine prospects, beautiful flowers, or sweet sounds, are below the dignity of

unworthy the attention of an improved and rational mind ; but we cannot close our ears to the morning song of the lark, nor avoid the sight of the landscape ; unless we refuse to breathe the breath of heaven, and relinquish the cheerful beam of day ; and if we resolve that our palate shall not be gratified, we must deprive ourselves of that nutriment which is necessary to our very existence.—Apply this to all the conveniencies and even the elegancies of life ; and then let us ask, what is the result of this system of intellectual and physical enjoyment, to which the cynical and short-sighted observer has applied the equivocal and injurious term of luxury ?¹ That great classes of the industrious part of the community are employed—ingenuity excited—talents rewarded—wealth circulated through an infinite variety of channels, and a general bond of union, arising from an interchange of services and rewards, is formed amongst the vast family of the human race.—“ A man of benevolence,” says Mr. Dugald Stewart, “ whose mind is tinctured with philosophy, will view all the different improvements in arts, in commerce, and in the sciences, as co-operating to promote the union, the happiness, and the virtue of mankind.” Utility and pleasure are thus bound together in an indissoluble chain, and what the author of nature has joined, let no man put asunder.

From the preceding observations may we not then be allowed to conclude, as the result of our present inquiry, that with regard to taste and science, as well as in other respects, mankind are the architects of their own fortunes ; and that the degree of their success will, in general, be in proportion to the energy and wisdom of their exertions.) To suppose that the human race is subjected to a certain and invariable law, by which they continue either to degenerate or to improve ; to presume that the progress of civilization, science, and taste, is limited to certain climates and tracts of country ; or to adopt the idea that when they have arisen to a certain degree of excellence, they must, in the common course of affairs, necessarily decline, is to deaden all exertion and to subject the powers of the mind to the operations of inert matter, or the fluctuations of accident and chance. Experience, however, demonstrates that it is to the influence of moral causes, to those dispositions and arrangements in the affairs of mankind that are peculiarly within our own power, that we are to seek for the reasons of the progress or

¹ “ In nations depending for their wealth and greatness upon arts and manufactures, it is the grossest mistake to imagine that matters of this kind are indifferent. They are on the contrary of high importance.—Folly only declaims against the luxuries of the wealthy, because it is too short-sighted to see that they relieve the necessities of the poor. Nothing impoverishes a people but what is taken without measure by governments from the common stock—all other expenses—wise or unwise in the individuals, soon return to it, and are sources of universal wealth.” *ARMATA*, vol. ii.

decline of liberal studies. It is to the establishment of rational liberty—to the continuance of public tranquillity—to successful industry and national prosperity, and to the wish to pay due honor to genius and talents, that we are certainly to refer the improvements that take place. The true friends of literature will therefore perceive, that nothing which relates to the condition and well-being of mankind can be to them a matter of indifference; and that it is not by a confined and immediate attention to one single object that we are to hope for success. The result of these studies may be compared to the delicious fruit of a large and flourishing tree; but if we wish to obtain it in perfection, our attention must be paid to the nurture of its roots and the protection of its branches. Whatever therefore tends to debilitate the minds of youth; to alienate them from graver pursuits; and to call them away from those more serious and indispensable obligations which ought to form the column, on which the capital may at length be erected, is not only injurious to the concerns of real life, but actually defeats its own object. It is to the union of the pursuits of literature with the affairs of the world, that we are to look forwards towards the improvement of both; towards the stability and foundation of the one, and the grace and ornament of the other; and this union is most likely to be effected by establishments in the nature of the present Institution, founded in the midst of a great commercial community, and holding out opportunities of instruction, not only to those intended for the higher and more independent ranks of life, but for those who, amidst the duties of an active profession, or the engagements of mercantile concerns, wish to cultivate their intellectual powers and acquirements.

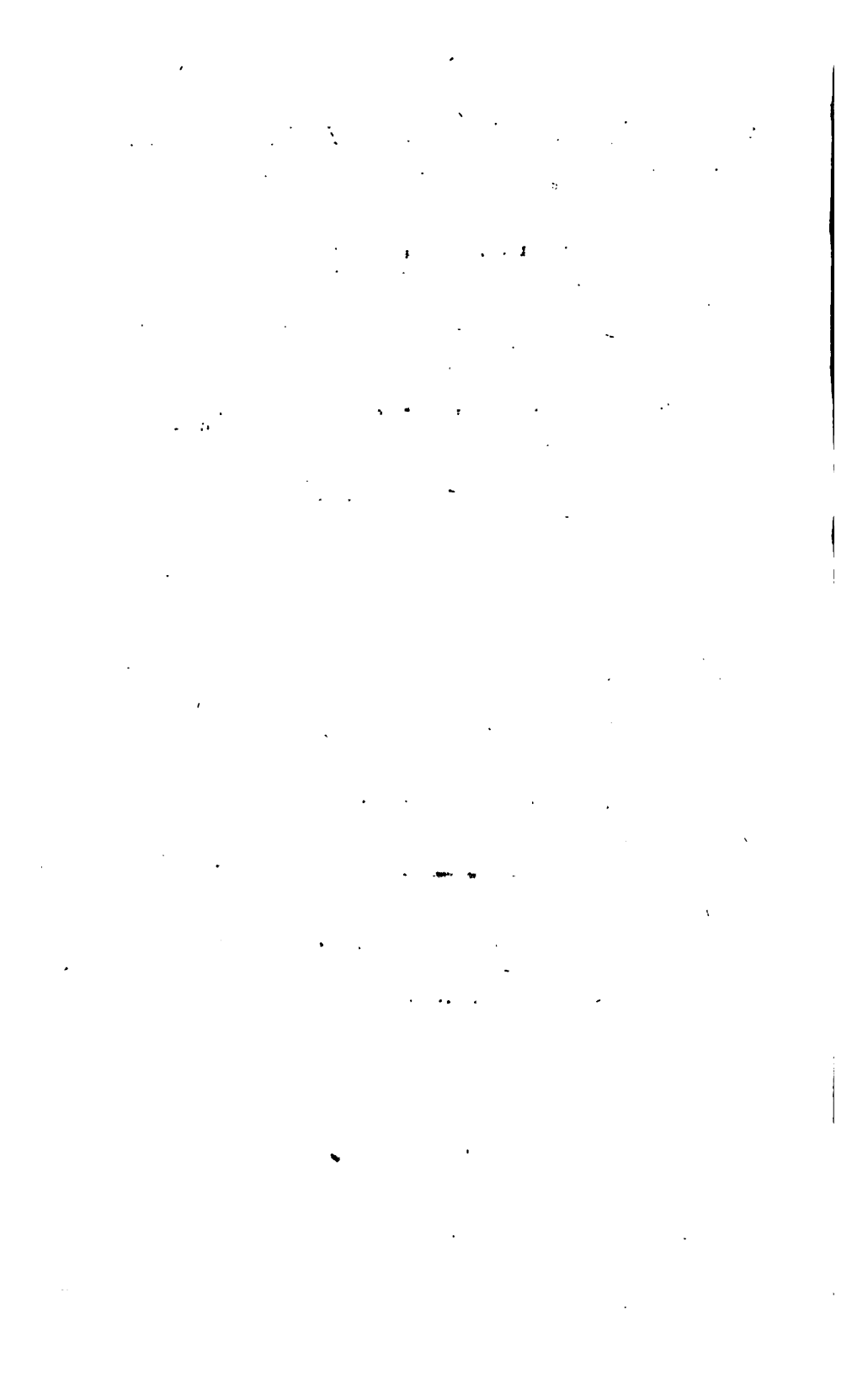
Nor is it to the period of youth alone that the purposes of this Institution are intended to be confined. Education is the proper employment, not only of our early years, but of our whole lives; and they who, satisfied with their attainments, neglect to avail themselves of the improvements which are daily taking place in every department of human knowledge, will in a few years have the mortification to find themselves surpassed by much younger rivals. In order to afford the best possible opportunity of preventing such a result, it is the avowed object of this Institution, not only to establish a system of academical education, but to draw from every part of the united kingdoms the best instructors that can be obtained, on those subjects which are of the first importance and the highest interest to mankind. By these means an establishment will be formed, original in its plan, and efficient in its operation; affording to the inhabitants of this great town an opportunity of domestic instruction for their children, equal, it is hoped, to any that can elsewhere be obtained; and preventing the necessity of

resorting to those distant seminaries, where, amidst the promiscuous society of youthful associates, the character is left to be formed as chance and circumstances may direct. Nor will the course of instruction cease with the period of manhood; but will be continued for the use of those who may choose to avail themselves of it in future life; thereby carrying the acquirements of youth into real use; applying them to the practical concerns of the world, and preventing, as far as possible, that absurd and intire relinquishment of the benefits and attainments of education, which generally takes place at the precise time when they should be converted to their most useful and important purposes.

On the present occasion I shall not trespass further on your indulgence, than to mention one other object, which appears to me to be perfectly within the scope of this Institution. The great end of all education is to form the character and regulate the conduct of life; and every department of it must be considered merely as auxiliary to this purpose. Experience however shows, that it is one thing to acquire the knowledge of rules and precepts, and another to apply them to practice; as a mechanic may possess the implements of his profession without having acquired the skill to use them. The same observation applies, perhaps yet more strongly, to all those precepts which are intended to influence the moral character and regulate the conduct of life. For this purpose various systems of ethics have been formed, by which the rules of moral duty are laid down in the most explicit and satisfactory manner; nor has there, perhaps, been any neglect in inculcating these systems on the minds of our young men, who, in many instances, study these works as an essential part of their education, and become no unskilful disputants on their most important topics. But between the impressing these systems on the memory, and the giving them an operative influence on the conduct and on the heart, there is still an essential difference. It is one thing to extend our knowledge, and another to improve our disposition and influence our will.* It seems then essentially necessary to a complete system of education, that the principles of moral conduct, as laid down by our most distinguished writers, should be enforced and recommended to practice by every inducement that instruction and persuasion can supply. It is therefore my earnest wish, that in addition to the various scientific and literary

* It is well observed by a celebrated foreign writer, that "a cultivated understanding without a good and virtuous heart, taste and information without integrity and piety, cannot produce happiness either to ourselves or others; and that so circumstanced, our souls can reap only everlasting shame, instead of honor from our acquirements," *Gellert, Moral Lessons*, l. 262.

subjects already proposed by this Institution, a series of lectures should be delivered on the formation of character, and the conduct of life ; intended to exemplify the rules of morality, and to enforce the practice of them, not merely by a scientific elucidation, but by a practical view of the affairs of the world, the consequences of a neglect or performance of the various duties of life, by the influence of the feelings, the dictates of conscience, and above all, by the sublime sanctions of the religion we profess. By these means, and by these alone, the various acquisitions made in every department of science or taste will be concentrated in one point, directed to one great object, and applied to their proper purpose—the illustration and perfection of the human character,



OPINION
OF THE
DUKE OF FITZ-JAMES,
Peer of France,
ON THE
PROPOSED LAW
RELATIVE TO
PERIODICAL JOURNALS.

TRANSLATED EXCLUSIVELY FOR THE PAMPHLETEER.

LONDON :

1818.

OPINION, &c.

NOTE.—“ At the moment when I was writing upon this subject, M. de Chateaubriand was publishing his work, *on the Political System followed by the Ministers*. Having the same subject to work upon, as I am proud of sharing his principles, it is not to be wondered at if some of his ideas should appear to flow from my pen, and still less can any body be surprised at the immense distance to which his admirable talents have brought his historical view, beyond the feeble outline I have been able to trace.”

GENTLEMEN,

We had long in vain flattered ourselves that the king's ministers (more enlightened upon the true situation of France, and upon the duties imposed upon them by the charter, and above all upon the true support of authority) would no more bring before you the discussion of a question which has already been the subject of so much debate, and in which they have been so successfully opposed both in this House and in the Chamber of Deputies; and we hoped that at last they would leave to a severe but equitable law already established, the care of checking the abuses of the press and of the periodical journals. I was not wrong when last year I said in this seat to the noble peers who did not join in my opinion, that they were perhaps mistaken in giving a too full confidence to the promises then made to them; that men do not willingly give up the power they possess, and that year after year we must look for the continuation of that arbitrary system, apparently so favorable to those who make it the engine of their passions, but yet in reality subverting the authority which

trusts to its support,' and which is so unworthy of a minister who would be a true statesman.

You are this day, gentlemen, called upon to re-enact and extend to the end of the next session, that is to say for fifteen or perhaps eighteen months longer, the law which gives to the minister of police an absolute control over the periodical journals. What motives have been laid before you to justify this fresh suspension of our constitutional laws? Very weak ones indeed, it must be owned. Some loose hints have been thrown out on the circumstances of the times; yet allowing that they are somewhat improved, it is no strong argument for the necessity of this new law. Some dark and mysterious insinuations have been dropped upon our situation relative to foreign powers. We are told of the insolence of some wretched news-writers, we are threatened with the prospect of seeing again in a few days, a second *Marat* or a *Father Duchêne*, &c. All such arguments can only be addressed to men weak enough to require that *licentiousness* may be allowed to the press and the journals, instead of *legal freedom*. Once for all let us understand that we call for a *law*; we wish for that only which the charter has decreed. Let that law be as strict as the prudence of the ministers may require; the two chambers may modify it if they think it necessary so to do. What we object to now, what we shall always object to, is arbitrary discretion. What we require is, that all may be done according to law. We may be free under the government of the strictest laws. Liberty consists in being out of the reach of arbitrary discretion.

It is a remarkable circumstance, that the commissaries of the government and the supporters of the sketch of the law upon the liberty of the press, after having in the chamber of deputies, discussed in a most learned and luminous manner the first part of that law, seemed all at once to feel the ground giving way under them, when they came to the article 27.; which for reasons unknown till now, was to undergo such a strange metamorphosis.

Initiated no doubt in the mysteries of government, they thought it of no use to throw away their time in vain discussions, and they thought themselves again sure, that the magical wand, which at one stroke had turned the alteration of an article in a proposed law, into a law clothed with every constitutional form, will fully perform the miracle intended, and give the ministers a second victory as brilliant and even more decisive than the first.

What means have we then left with which to strive against such a formidable power? are we again compelled to tire out your patience; to dwell upon tedious arguments which have been repeated till they create disgust? Must we read again the clause in the charter which relates to the liberty of publishing opinions, and

to the necessity of a law to check the abuses of the press? Shall we waste your time and our own in showing that all supposed improvement in the state of the press must be delusive, as long as an arbitrary discretion will be allowed to control the periodical journals? That these journals, from the immense number of readers which they get, throw light or darkness altogether upon the press; that no work, whatever may be its merit, can obtain notoriety without their assistance; and that their restraint will insure the complete servitude of the press. All these truths have been a hundred times repeated: to what purpose should we again bring them forward? He may be in the wrong, who is ever so right, if he tires out his audience. I will not run such a risk; but I will dare to rise to considerations of a superior order, and leaving the beaten paths of argument, I will bring to a special point a question which, in my opinion, is completely of a specific nature. I will bring it to its true bearing; and, addressing the agents of power, I will ask of them by what right do you call upon us for a new concession of our liberties? How have you made use of the power with which you have been hitherto entrusted?

It was so well understood that this was our vantage ground, that unfair prejudices have been started against us to weaken our attack. A charge so often repeated, has again been brought against us, that we argue against our own conviction, and that we censure measures out of dislike to the men who bring them forward. *You have no right, says a minister, to reproach me with not having done justice to your confidence, for you have always refused to grant it to me. (Sans acception des choses, et des actes de l'autorité.)*

Here indeed I must wonder at the want of memory of his excellency. It is not so long since he has been raised to the height of power, that his elevation should already make him lose sight of his introduction to the ministry. Unknown to most of us when the king honored him with his confidence, what prejudices could we entertain against him? This royal confidence made it our duty to grant him our own: he had it completely, as we proved it, by supporting him with all our interest in the first acts of his administration. Has he already forgotten that we never hesitated to entrust him with that power of which he now wishes to extend the continuation? *This is, they say, what proves your injustice: you granted us then, what you refuse us now, what you would solicit for yourselves, were you in our place: this shows that you are only political apostates.*

Such are the compliments which were addressed to us a month ago in the *Journal of Paris*, and yet the minister presumes to say that he has never thrown out any abuse against the minority of the chambers!

By the unwearied use of such weapons for these fifteen months past, we have been exposed to an incessant fire of invectives and calumnies, without ever having experienced the generosity of being allowed to defend ourselves: We must therefore make our defence in this place, (*cette tribune*).¹

This place must be our Paris journal, and our general journal, and we must answer, not in the same language, for it is unworthy of us, but by arguments and facts; we must answer this torrent of daily absurdities, by which it is intended we should be overwhelmed.

No—We neither make war upon you nor upon your places, but upon the fatal system which you have adopted, and which will drag us all into the same gulf with the king, France, and the monarchy. If, on this occasion, we direct our observations against individuals, it is because we know not how it is possible to speak against a law of exceptions, always called for by circumstances, without considering who are the men who direct these circumstances, and how they influence them. Every thing has been said upon general principles: ought we, or can we not allow you our confidence? I say it again. There lies the whole question.

No—We are not political apostates: we still think, that the suspension even of a fundamental law, may be advantageous and even necessary, in some great crisis threatening the existence of the kingdom or of civil society. And to be sure if any period bore that character, it was that which immediately followed the hundred days. Authority then required a power almost unbounded. You requested it in the name of our country, for the salvation of our country—we should have been guilty ourselves, if we had not complied.

We withdraw it now: we are not changed: but you have not redeemed your pledge. You ought to have ensured the safety of the kingdom: you had the means. But hitherto you have only secured the safety of the ministry.

And after all, What is this system so much vaunted of by you and by your journals? This system, which you describe as the work

¹ "An objection will be made to me (and M. le Rapporteur has begun it) from the state of the journals for the last week: to be sure at the moment when the general attention is so forcibly drawn to the question before us, an attempt might be made to secure the approbation of the public, by granting for a moment a shadow of liberty to a certain journal. Two members of the chamber of deputies insulted on account of the opinions they had given on this question, were allowed the liberty of being defended. But let us look to the end—Nobody can be deceived by so clumsy a contrivance. I appeal from what the journals are just at this moment, to what they have been for the last fifteen months, to what they were even a week ago, to what they may probably be in another day.

of wisdom, asserting in a more imperious tone than any minister ever dared to assume before the chambers, that it ought never to be altered. We have seen empires and dynasties fall around us; but the Count de Decazes announces to the universe, that his plans ought for ever to govern us and our posterity. Here, then, is this system, such as the minister himself has taken the pains of unfolding it.

It is to *royalise the nation*, to *nationalise the monarchy*. Royalise the nation! This is as much as to tell us that the nation is not royalist. This assertion is not new. It is to be met with in some reports published in 1815. In these reports the king was told, that there were not in France above ten departments attached to the royal cause.

Then the object proposed was to royalise the nation, to consolidate the alliance between the revolution and the monarchy; and the means offered to obtain that end, were much the same as have been used for the last fifteen months. The re-union of the chamber (*introuvable?*) gave a direct lie to such assertions. It proved that France was royalist: it showed that the business of the minister should have been, not to royalise the nation, but to keep up the spirit of royalty that it possessed. Is this end attained? Are there hopes that it may? It would be too painful to contrast what we were then, with regard to public spirit, with what we are now, and what we might have been. Let us go on.

Nationalise royalism! If such is your intention, why do you allow it to be attacked every day by journals which cannot write a line without the permission of ministers, and who often write by their orders? If the press was free, I should not wonder at their using their ink and their paper in propagating the doctrines of a government *de facto*, of the sovereignty of the people, and of the law of nature. But then a severe law, clearly expressed, would be sufficient to bring them to account for their conduct; and more than that, the disgust of the public, wearied of these orators, is now convinced, that if the cause of these declaimers could again be triumphant, the result could only be what it was formerly, the most scandalous atheism, the most intolerable despotism, and more excessive misery. This is not then what I fear, but that such writings should be announced, and often praised, in journals that are under the direction of authority, when the same favor is refused to other works displaying the purest principles of monarchy, the respect due to the king, to his dynasty, to the charter, to all the foundations of social order. That attempts should be made to stifle such works in their birth, because they are not sheltered by the only passport now of any value, the praises of the minister, the praises of the order of the 5th of

Sept., and the praises of the law of elections. This is arbitrary, this is scandalous. Have I not a right to draw as a conclusion, that the object in view is not so much to nationalise royalism in France, but rather ministerialism?

But the intended object is to bring forgetfulness of the past, and to quench all hatreds. Nothing can be more praiseworthy than such an intention: it was the king's first thought when he returned into his kingdom. But how came a plan so worthy of wise ministers, to bring such an opposite result? We wish to forget past times; and for the last fifteen months, the journals have not ceased talking about them! Let us understand ourselves. There is a past time which some persons would wish to make us forget; but there is another of which the remembrance must be kept up at any rate. We shall prove our assertion.

Not a month ago there appeared in a journal an article which spoke highly of the sublime exertions of the nation in 1792. Sublime exertions! which, as every body knows, produced the 10th of Aug., the 2d of Sept. and the trial of Louis XVI. This is the past time of which the memory is perpetuated. In the same week a journalist was punished for having dared to insert in his pamphlet, a fragment of the funeral oration of the Vendean General Bonchamp. The heroic examples of a martyr to fidelity are perhaps dangerous to record. This is the past event which we must be made to forget.

You wish to quench hatreds. But the journals never cease to blow up the ancient aversion of the people to the classes formerly privileged. All the declamations of 1789 against the priests, and against the nobles, make their appearance again every morning. These men, who have no remains of that former prosperity which had excited so much envy, and which they have expiated by a long series of misfortunes, who have nothing left but their remembrance and an honorable name, are every day represented as monsters, devoured by the thirst of revenge. A pamphlet announced in the journals, (if it had not been for that circumstance I should not have mentioned it,) because it exalts to the skies the ordonnance of the 5th of Sept., said some time ago, that the fury of these men (the nobles) tended to raise again the scaffolds of 1793.

Every morning the tribute expected from the journalist, is an article against those who favor ancient errors, antiquated doctrines, and Gothic prejudices. I have preserved this nomenclature, for it never varies.

Is it by such a work as *le Paysan et le Gentilhomme* that you

* The title of this pamphlet is *De la France, ou 5 Sept. 1815. De la France ou, 5 Nov. 1817.*

think to bring forgetfulness of the past, and to quench hatred? I quote this work, because the author is known. He is one of your agents; he has made a boast of it himself. I quote it, because none has been circulated with a more liberal profusion, announced or praised more by the journals: and it is publicly notorious, that a criticism upon that infamous libel, sent by a known writer, has been refused by all the journalists.

Writings of that stamp have not the full effect that was intended by their publication. The people are weary of hatreds: they have closely inspected the conduct of those men calumniated with so much perseverance. Their misfortunes have brought them nearer to the public eye: it is not among them that they are to look for their enemies.

But there is another class of men who read more than the people, upon whose minds the journals and writings could not fail to have a baneful influence.

This influence has shown itself in the very place where it was intended it should operate; in the electoral colleges,—(and we foretold it in our opinion upon the law of elections). In those elections, in which every thing went on so calmly, if we are to believe the ministers and their friends, you might see whether past times were forgotten, and hatreds extinguished. They were not however so in the hearts of those men who insulted me in the market place at Beauvais, as being one of that cast, cursed by the everlasting enemies of the people. Poor fellows, who during the twelve years which I spent near them, groaning under the same tyranny, treated me then as a friend, as a companion in misfortune! I cannot be angry with them; they were only repeating the lesson they were taught. It is a lesson they have learned in your journals.

As I have begun to speak of the elections of this year, how can I forget the spectacle they have displayed in this capital? It is in this field of action that ministers must have acquired a full conviction, that if there are men whom neither abuse nor alights can disgust, there are others, whom neither kindness nor flattery can gain over. There a power showed itself, which not having dared to appear during the session of 1815, raised at once its audacious front, at the period of the 5th of Sept.: it gained strength by the law of elections, a power which the ministers thought they had fully obtained by the protection which they gave it in the electoral colleges of 1816, but which spurned their favor, because they saw in it only a mark of their own strength, and of the fear which they created. A power which is dreadful indeed when feared, and vanishes when it is despised, and would have been altogether insignificant if it had not been thought of some importance.

Then for a short time the journals used another language. Paris, quite astonished, awoke by hearing for the first time a call upon the royalists. These royalists, whose influence during the preceding night it was attempted to be checked, by means which from generosity I will not call by their true name; these royalists, so much abused, so much injured, it was at last necessary to call in to their assistance, because self-love was committed. This momentary favor did not long continue; they had acted from conscientious motives: the next day, after a petty triumph, of which they ought not to have been so proud, they were not surprised, from royalists, which they were called the night before, to be again called as formerly, the supporters of old errors, of antiquated doctrines, and Gothic prejudices. As to the conflict which was entered upon, it was as short as had been the reconciliation with the pure royalists. Just as in lovers' quarrels, at the close of the day, peace was made, and all was forgotten. You were witnesses, gentlemen, of the shameful part which the journals played in these scandalous transactions. I ask any impartial judge, is it thus their influence should be used to make authority respectable?

The end proposed, it has been said, was to inspire love for the authority of government. Here let us not confound objects that are very distinct. If by inspiring love for authority, you mean to excite love for the king, you do not want for that purpose the assistance of the journals. The king is beloved. If it was not from duty, it would be from gratitude, which all Frenchmen feel, for his inexhaustible benevolence, his virtues, and the concessions that he has been inclined, by his own free-will, to make to his people. But, mistake not. If the king is loved, the power of his ministers is feared, because they may have incurred the suspicion, that by power they meant arbitrary power; and Bonaparte has for ever made arbitrary power odious to France.

When Bonaparte rose to power, there was a phantom of a republic, still worshipped by those who assisted him to mount the consular throne. This phantom confined his despotic views: but whilst he was working its ruin, he overwhelmed it with respect. Little by little he drew from his dishonored front a few rays of his former bloody diadem: he artfully placed them about his crown, and his hypocrisy went so far, that upon the first coins which he had struck upon his accession to the empire, you read on one side *Napoleon Empereur*, and on the other *Republique Française*.

I do not wish to offend any body; but in some respects, what the republic was for Napoleon, the charter appears to be to certain agents of authority. It is overwhelmed with a show of respect; it is treated with adoration at the tribune; the journals are filled with its praises: but upon some of the ministerial acts, as upon Bona-

parte's crown pieces, cannot we read on one side, *constitutional charter*, and on the other, *arbitrary power*?

By examining the singular system adopted by ministers in endeavouring to reconcile their love of arbitrary power, with their singular partiality for revolutionary doctrines, and their supporters in endeavouring to rise to the source of so many errors, I thought I found the solution of the problem, in the political education of some of our ministers, an education accomplished at the school of all arbitrary power, at the school of Bonaparte, who himself had his own in the bosom of the revolution. The revolution begat Bonaparte, Bonaparte begat our ministers; let us not lose sight of this double origin, and we shall have the explanation of every thing which is going on.

Let us follow this historical clue. At the period I mention, Bonaparte found himself equally confined and embarrassed, by his old friends, now generally called *independent*, (I leave them that name that I may offend nobody's feelings,) and by the royalists. The first were the more troublesome to him, because having formerly reckoned him one of their own set, they thought they had a right to direct and govern under him. The royalists, on their side, full of recent recollections, having tried their means before the 18 Fructidor, were a power which might one day be alarming. His policy was then to strike both parties by turns; flattering sometimes the one side, and alluring them by deceitful promises, to help him to crush the others. This policy succeeded, and ought to have done it. Well, gentlemen, this policy! is it not the policy of our ministers? Is it not proved to a demonstration that they know nothing but what they have learned of Bonaparte? Do we not find here this middle situation, which is pointed out to us as the centre of all reason, and as a discovery of genius?

But it is not given to every one to handle the weapons of Hercules: the ministers, proud of being dragged in the tracks of Bonaparte's wheels, have fallen into some very weighty errors in the execution of such a boasted plan.

The first and the most culpable of all, is that of having tried to establish, that the king being again seated on his throne, the royalists were still a *party*. From that moment, the royalists became the soldiers of the king: upon any ground, they ought not to be treated as men liable to suspicion; and yet that is what

I may perhaps be thought to go wide of the principal question,—this is my answer:—the Count Descases in his defence of this same law respecting the journals, in the Chamber of Deputies, at the sitting of the 15th Dec., unfolds at length all the advantages of that system: following his example, I think I may attack the system, by an attack on the law. I thus keep within the boundary which the minister himself has laid for me,

has been continually done. Bonaparte did not behave in that manner to those who had given him pledges of their fidelity.

The second error is very serious also. At the period of the 18 Brumaire, republicanism was worn out by its excesses; all but the veterans of the party were disgusted with it. Bonaparte could strike it with impunity, yet he did it with prudence; but mildness would have been without danger, for it was dying of old age and infirmity. Now, on the contrary, thanks to the last fortnight of the hundred days, thanks to the encouragement given to those doctrines, to the privileges which the journals give to these writers, thanks above all to the clumsiness of the opposition directed against them, when any of their darts have wandered towards the ministers, republicanism revives in full brightness of bloom and health; every encouragement makes it daring, every blow that misses gives it a new strength; the scandal of the business of *Comte* and *Dunoyer*, the heaviest and dullest writers under which the press ever groaned, and with whom means have been found to give it power, have enabled it to make an immense stride.

A third error of the ministers was to have thought, that the means which could and ought to have been used by Napoleon, might be employed under the government of a legitimate king. The means of Bonaparte were his iron will, which bent not before any of the miseries of France. His hand of justice was a sabre, and his ministers were a million of soldiers. The means of the king are the gigantic power of legitimacy, the remembrance of his ancestors, the love of his subjects, and the confidence which must be inspired by what he has done to secure their independence. Alter once that confidence, and all is lost. Thus, arbitrary authority, which made the strength of the *imperial* government, will never be any thing but the weakness of the *royal* government.

Can we be surprised that so many false consequences should have followed so many errors? From this inconceivable union of the most opposite principles, must naturally flow the destruction of all principles whatever. Principles being once set aside, made way for the triumph of systems. And so it is in France; every part of the government is carried on by system: system of war; system of finance; system of subsistence. It is by systems that the people must get bread to eat, or the avarice of speculative men will be glutted at their expense. Hence that uncertain progress of the government, this uneasy and tottering disposition, which by degrees invades all the members of our political society; the most

* What could not we say upon that singular trial in which the culprits dictated the law to the prosecutors?

dangerous moral disease which we could fall into. Hence you no longer know where are your enemies or your friends: you have not done enough to reconcile your enemies to your cause, and you have too much injured your friends, not to make them lukewarm and indifferent to your welfare. From so many alterations, so many reforms, so many changes in every administration, called for much less by the right and justice due to every individual, than by the system of such and such minister, succeeding the system of such another minister; it follows, that nothing was certain upon any subject; no body was safe for the next day; there could be no attachment, as nothing could be depended upon.

From this state of affairs, it is not to be wondered at, that upon the subject of a precarious law, momentary coalitions should have been formed between men who were not accustomed to vote on the same side of the question. Could it have been expected that ministers would make it a crime to us, to give once a vote to those men to whom during a twelvemonth they have given their protection and support, and who still every day compliment them upon the ordonnance of the 5th September, and upon the law of elections, which has made them what they are at this day. This coalition is still the consequence of what I said just now. Nobody knows where he steps: we walk in the dark: we sometimes must meet; but it is by running one against another, that we are sometimes found together. The Count Descases has said to us, that the centre of union must be the same for all. *There is the throne, there we must all unite.* Does his excellency presume to show us where is the throne? To us, who, without being like himself on the 'steps of the throne, have never lost sight of it, even when in the midst of the thunder-bolts with which it was surrounded?

No doubt this would be a most desirable centre of union. But there must be two parties concerned to form an union. If an enemy who has already wounded me, followed me sword in hand, and I was unarmed, he might call upon me as much as he pleased, "let us unite together," I should run the faster; for in order to complete that union, I must run upon the sword of my adversary. Such an union is death. This is very nearly our situation with respect to ministers.

Do they really mean to unite with us? Oh! nothing is easier: our confession of faith is very short and very plain. Love for the king, attachment and fidelity to his dynasty, rallying round the sacred principles of legitimacy, respect for religion; the charter, nothing but the charter; the charter, neither more nor less: make a step into that ground, and you may be sure to meet us there.

¹ Words spoken by the minister at the sitting on the 15th. Dec.

I say the charter, neither more or less ; and I explain myself. Such is our strange situation, that we find ourselves placed between true constitutional men : but some of them wish to govern by laws which admit of exceptions, and keep the charter in reserve for a better occasion ; and the others have once convinced us that the royal charter of 1814 did not come up to their ardent love of liberty. In the midst of these constitutional men, we good folks who only wish for the charter, such as the king has given it to us, who call every day for its loyal and entire execution, with all the openness of our soul, we are, and ever shall be, but *bastard constitutionalists* ; such is the judgment given against us, by those who have studied constitutional principles in the school of Napoleon.

I do not think I have wandered much from the question which is soon to be decided. By unfolding before you the system acknowledged by ministers, by showing you its fatal consequences, I have always endeavoured to point out the journals as a principal means employed in the carrying on of that system. Must we then leave to those who declare that they ought never to alter their arbitrary way of proceeding, an absolute authority over the journals ? Can the use they made of it last year, make our minds easy upon that which they will make of it the following year ? The answer cannot be doubtful.

Gentlemen, I have raised some of the veils which darkened our dismal situation. The whole of society suffers. If I have mentioned a word about reforms and alterations, do not think that it is only the interest of the royalists, fed as it were with injustice and disgust, which made me speak ; no, the people suffers, the people are unhappy : much has been said of their resignation ; they would perhaps hear something said of the means of improving their situation, and principally to lower the price of provisions.

I may be told that the chambers have no business to interfere with the detail of administration ; I know it : and yet I think that it would not be improper, after the calamity which oppressed the people last year, for the chambers to require some account of the means employed to prevent its return. The harvest has been favorable, and yet we hear not a word of a lower rate in the price of provisions. Freedom of the corn trade, allowing things to take their natural level, are fine ideas, no doubt : but the people do not understand them ; they only see their own dreadful misery, and the favor shown to the insatiable avarice of the greatest number of the growers, and the monopoly of engrossers, who grow rich by starving them. What, *does the people lay the scarcity to the king ?* Says the minister, they certainly ought not, for they are fed by the royal benevolence : and yet I have seen men, of great simplicity to be sure, who were a little struck by the perseverance of certain

agents, (what quarter they came from, we do not know) in telling them that the king and the princes sent corn to England. These agents are continually running about the country; but as yet, none have been punished—not, at least, in my department.

In short, I say it again, all classes of society are suffering; it is high time that some remedy should be found for the evil which destroys us. Perhaps it might be imprudent to reckon upon another year of resignation. On every side our horizon is covered with clouds, the forerunners of a tempest. One would think that from the top of his rock, the man who is the author of our misery, has given the dreadful signal, and that at his voice his agents have begun the execution of the dreadful plan acknowledged by one of them, in a correspondence which we must credit, because we have it from the police minister. "All must suffer, that all may unite against these wretches." You know, Gentlemen, who the wretches are.

I agree with those of my friends who have moved as an amendment, that the law may be prorogued to the 1st March next, to give the ministers time to lay before the chambers a definitive law. If this amendment is rejected, I vote against the law.

¹ See the letter of Madame Regnault de St. Jean d'Angely, directed to her husband; this letter was intercepted by the police, and made public.

THE
POOR-RATES
GRADUALLY REDUCED
AND
Pauperism
CONVERTED INTO
PROFITABLE INDUSTRY.

Miseris succurrere disco!

BY R. PRESTON, ESQ. M. P.

ORIGINAL.

LONDON.

1818.

THE POOR RATES,

§c. §c.

PAUPERISM hath increased, is increasing, and ought to be diminished. These are propositions too true to be controverted, too generally acknowledged, too extensively felt, to be disputed. Woful experience has induced a conviction which places the fact beyond controversy.

The extent of the Poor-rate, and of private benevolence, nearly, if not fully, equal the amount of the national expenditure at the end of the American war; a period when the resources of the country were supposed to be exhausted; when the energies and talents of a Pitt were found essential to the salvation, or at least to the revival of the financial resources of the country.

In the interval since that period, the poor-rate has increased from an expenditure of about 2 millions to 10,000,000 a year; and the national expenditure, including the dividends to the public creditor, has increased from about 10 millions to a sum little if any thing short of 70 millions a year. Thus the tax on the industry of the country is increased from about 12 millions to 80 millions annually, or nearly as 8 to 1; and yet there never at any period was in the country a greater abundance of wealth, or more of the vital poisons of prosperity. All that is wanted is good management, and a proper application of these resources. During the period which has been selected, there has been an increase in the price of labor, and an increase in the price of the means of subsistence; each may be stated to have increased from 50% to 100% or to have doubled. The disproportion between the burthen and the means of bearing it is great, and is one of the principal causes of pauperism. The occupier of the soil cannot afford to give extensive employment

at such rates of wages as will enable an industrious man to maintain himself and that number of persons which generally does, and in a well-regulated state ought to constitute his family.

On an average every laboring family must be considered as consisting of 4 persons; in one class, of a husband, a wife, and two children; in another class, of aged parents whose labor is of no value, and of 2 members of the same family able to work and maintain their parents.

In former times, it was the custom of the parents to train their children to a sense of independence; to a shame of resort to the poor-rate. Children were the hope and solace of the industrious laborer: it was his pride, his consolation, to maintain these children in their infancy, in the expectation of support from his children when his own labor should be insufficient to provide him with food. This was an honest feeling, one which every good man would cherish and applaud. Characters of this description are not rare even in these days. Persons of this disposition, and with this feeling, should be protected, and even rewarded. Many of the agricultural societies have displayed their wisdom in giving premiums to industrious laborers who have maintained themselves and families without any resort to the poor-rate. The feeling was even with many carried beyond this life, and this feeling is not universally extinguished: it provided the means of discharging the expenses of the funeral, that the surviving members of the family might not be degraded by a funeral at the expense of the parish. Most of the Friendly Societies of early date gave scope to this feeling, and acted on it, by providing a contribution to defray the expenses of the funeral of its members.

In this the most healthy and well understood, the vital part of the community, a smaller proportion of members to a family would not keep up a proper and useful state of population. A well-constituted population is the best strength of a country; it constitutes more substantial wealth than capital or machinery, the favorites of those who promote the present order of things.

Restraints on marriage, to prevent an increase of members in the lower orders of society, are a sin against God and man; a short-sighted policy; the resort of weak minds, which are contented with half-measures, which legislate for the day; abandoning that broad principle which looks to the future, and views and treats population as the best wealth of a country.

A law which converts males into eunuchs would in a moral point of view be less abhorrent to the rights of man and his duty towards society, than a prohibition, or a restraint operating as a prohibition, against marriage. The sin against God is obvious. While the divine law requires man to increase and multiply, human laws cannot, with propriety, counteract or check the exercise of this duty.

Can man be suffered to possess the faculties, the passions of man, and be denied a proper and natural exercise of them? To restrain the lawful intercourse of the sexes, is to give their passions a direction to unnatural vices, and to the most abominable sins; to make a land, famed for its liberty, a land infamous for its vices, a Sodom and a Gomorrah; deserving the inflictions of a just Providence who looks with equal eye on the poor and on the rich; on those who must earn their bread by their labor and the sweat of their brow, and those who, either by the industry or more fortunate exertions of their ancestors, are to give employment to labor, by a due application of their wealth. Dismiss then the nonsense, nay, the crime of diminishing pauperism by restraints on marriage: let the public also discard their expectations of any speedy or certain result from the saving banks. Pauperism advances with the speed of a hare, while the saving banks will keep pace with the tortoise; and unfortunately pauperism will not be guilty of the error by which the saving banks may gain the race. That part of the system of the saving banks by which the accumulations of individuals are brought to the metropolis from the distant parts of the country, and invested in the funds, instead of administering to the circulation of money and the employment of labor in those distant parts, will cause more pauperism than it will prevent. "These small sums were of infinite use in the country: they were the funds which aided and assisted the capital of the smaller tradesmen, manufacturers, farmers, &c.; while the saving banks, right as the principle may be in itself, superior as the security may be to the individual subscribers, will paralyse the industry of the country. The system increases the evil, that the metropolis is too rich, in a state of apoplexy, while the parts distant from the metropolis are too poor, wanting circulation at the extremities. The metropolis, through the medium of taxation, draws the circulating medium from the country, before the country can afford to pay it. Hence the great change produced by the peace. The war returned the produce of taxation, &c. to the country; peace withheld this advantage. Many counties in the kingdom are now reduced to the condition, that each of these counties annually pays more in taxation than the value of all the produce of the county which is sent out of the county: or, in more intelligible terms, the balance is against the county, and pauperism increases in a rapid progression. The sums paid out of the county, including the taxes, exceed the sum brought into the county: these observations apply to those counties which are wholly, or in a great degree agricultural, and in a more particular manner to those districts which do not raise more corn than is necessary for their consumption, and whose surplus cattle is not equal to their taxes. This state of things is beyond all doubt

among the causes of pauperism; it is the ground on which farmers have endeavoured to throw the burden of the poor-rate, on the capitalist and manufacturer, by keeping the rate of wages as low as they can, and by making up the means of subsistence out of the poor-rate.

Another motive to that ill-judged practice originated in the conviction, that a man's labor is of equal value, whether he be single or married, whether he has not any child or has several children to maintain. To raise the wages of the married man with a large family, is in effect to raise the wages of the man who is either single or who has a small family. And every one conversant with the affairs of agriculture, must be aware that the price of labor presses more severely on the farmer, than on the manufacturer. The manufacturer can regulate the price of his manufacture by the price of labor, since he has a more extended market and fewer competitors. This power does not fall within the compass of the farmer. Another mischief following from this system is, that the best laborers only will be employed, when labor will not, on a general scale of prices, afford a profit; or, as between two men of equal skill, the single man, or a man with a small family will be discarded, in order to afford the means of subsistence to the family of greater extent, and who, without this preference, would become a burden on the poor-rate.

Another and still greater evil of this state of things is, that labor does by competition fall into a scale of price below its real value, and there is a more general, instead of a more partial and limited state of pauperism. Though all are subsisted, all are needy; they are in rags, instead of being decently clothed; from the absence of plenty or sufficient nourishment, even the real value of their labor is deteriorated in a ratio with the price. No prudent man ever suffers his beasts of labor, or, on the same principle, his laborers, to get into a weak condition. Why in harvest are the laborers fed in the most liberal manner; their strength cherished, their spirits exhilarated? The reason is obvious; it is to enable them to perform labor corresponding with the advance of the prices they obtain at this season, when labor is in full demand, and dispatch is found to be of the first importance in point of economy as well as of security against the change of weather. In the district in which the value of labor is thus reduced, (and there are many,) the use of manufactures and of taxable articles is diminished. Even the price of corn and other farm produce is reduced below its real value, and below the relative prices of the kingdom; and in the end, the farmers and their landlords become the victims of their own system. By reducing the value of labor, they reduce the price of their own commodities. No system, in a country like England, with her present state of taxation, is so mischievous or so

ruinous as that of *low prices*; prices which diminish the ratio of circulation, and increase the relative proportion, and consequently the burden and grievance of taxation.

At this crisis also, when there is an attempt to exalt the human mind and to enlighten it by education; to inform it by study and the inculcation of the knowledge of the Scriptures; it is of more than ordinary importance to provide for the employment of industry. What condition can be more wretched than knowledge united with pauperism; a sense of the dignity of the human mind and of human nature, with a feeling of degradation at being a burden on the industry, and often on the very subsistence of others placed only one step beyond pauperism, and ready to fall into that most wretched condition? Nor will the mind readily or easily emancipate itself from the thralldom of vice, or of habits of idleness, while the individual is involved in the wretchedness of poverty.

Enrich the mass of people by increasing the value of their exertions, by giving them employment, by bringing labor into demand, and treating the laborer as worthy of his hire; giving to his labor a marketable value, and to him the independence of choosing his employer; and you will soon elevate the mind into independence and a sense of importance; you will render the possession of comforts, a good name, a character for industry and for integrity, of high value to the possessor.

Any plan which shall aim at a great change in the morals and habits of the laboring classes, of the community, must effect the measure by gradual means, and not a sudden transition; by system, and not by severity; by kindness and advice, and not by coercion or force.

It would be absurd to annihilate or to reduce the poor-rate without a previous plan which should give scope to industry, and of consequence in the present state of the country, create subjects for employment. On the other hand, to reduce the poor-rate gradually, is both an object, to those who pay it, and a duty to those who are improperly dependent on it. The rising generation must be taught the wholesome, and to them the useful lesson, that man was born to live by the sweat of his brow, by the labor of his hands, or the energies of his mind; and that it is against the first law of nature that the idle should be maintained by the industrious, or consuming, one even diminish the bread designed by charity for those who are deprived of the means of earning it. Charity has its bounds, limits which cannot be transgressed without passing from virtue into vice; giving an encouragement to idleness. The convicted felon, who at the gallows bit off the ear of his mother as the author of his misfortunes; the accessory to his guilt, in having failed in her duty, by indulging him in idleness, instead of having excited him to industrious habits, will

be justified in the opinion of those who think every crime should be punished in the person with whom it originates. It is the punishment, the example, not the executioner, which in this instance receives approbation.

That the poor-rate should be diminished as far as it is practicable, consistently with the duties of humanity, is agreed by all wise and good men. None besides the sick and those who, from infirmity, accident, or disease, are incapable of labor, ought to be pensioners on this fund; a fund which, in reference to a very large proportion of it, is drawn from those who, if justice were administered, would have a greater claim to be relieved out of the fund, than to be contributors towards it.

Last any one read the proceedings before the committees of the two houses of parliament in the last sessions; and he will not feel any doubt on this point; and every man who opens his eyes to the condition, of his neighbors, will see with what difficulty, and with what embarrassment, and sometimes indeed under the very coercion of distress, the rates are levied; and how often the contributor towards the rate is rendered, by the severity of this burden, a pensioner on the rate itself.

The evil has increased to an alarming height. The extent has awakened parliament, and enlightened men. Many persons are humanely employing their talents to alleviate the evil, and to discover a remedy. Parliament will in all probability exercise its functions and its wisdom on the subject in the ensuing sessions. The remedy ought to be radical. It should be bold and energetic; simple yet firm. Humanity in the result, rather than the semblance of humanity, should be the basis of the measure: palliatives should be avoided. Temporary measures are, in most acts of legislation, the foundation of a new system of evil; they foster the disease, instead of curing it: aiming at the ease of the patient, they suffer the disease to overpower, and finally destroy him. The system of the poor-rate has been one of expedients. Attempt after attempt has failed of success; the rate has increased, is increasing, and to our disgrace, for want of courage and firmness, the number of those who have suffered the extremity of distress, and have fallen a sacrifice to the want of sustenance, has been as great, in the midst of abundance, and plenty, as might reasonably be expected in a time of dearth and famine. A part of the evil has, no doubt, been induced by the change from war to peace. This state of things ought not to exist in an enlightened and wealthy country. Wisdom should foresee and provide for this change. Means cannot be adopted too early for arresting an evil which, it is boldly asserted, may be safely and effectually prevented.

Provide the funds for the employment of actual and existing industry, and the great source of pauperism, all that portion of it which is

disgraceful to society, will vanish. Withdraw only to a new source of employment, that amount of labor which is equal to the industry of the discharged soldiers and sailors, (computed at 100,000 men, or in value 2,500,000*l.* a year,) and labor will soon be in full demand. In the employment of this fund there may be more or less wisdom according to the hands into which its administration shall fall. Make the fund useful to those who contribute towards it, and you convert the evil into a blessing; the burden into a benefit; the expenditure into a profit. A gradual diminution of the poor-rate would of itself be a great boon to the land proprietors, who in part pay the rates in a diminished rental; to the government, in an increased resource for future taxation, in the renovated energies and industry of the people. A race of paupers, instead of contributing towards taxation, diminish the means, by increasing the number of those who are unable to pay taxes, or to consume to the extent, or in the degree which supplies to the treasury a just proportion of revenue; since all taxes, unless they are levied directly on property, making the government tenants in common with the proprietor, or a new species of tithe-gatherer, must fall on consumption, so as to be borne by the poor laborer, as well as the wealthy proprietor, merchant, or manufacturer. Does not the laborer pay taxes in the price of his cottage, and of his meat, his ale, his soap, his candles, his salt, and his clothing; in some articles directly: in others indirectly; and not in a diminished ratio on that account? Nor is it an evil, or of any consequence to him, that he so contributes, provided he be enabled to earn wages which shall give him the comforts of his station, a just supply of food and of clothing; also habits of industry, for his industry is his only property; an independent spirit, the birth-right of every Englishman; and contentment; for these are blessings for which no other considerations can be a just compensation.

To find the funds for employment of industry, is the supposed difficulty. Individual capital may effect much; but cannot accomplish the object, until trade and agriculture, and commerce, shall be in full activity.

The surplus of one class of population cannot be fed or maintained by any other. Public charities and subscriptions will be like a drop of water in the ocean, in this demand for employment. Was one million of money ever produced by public subscription to any work of charity, or even of liberality? Certainly not; and one million of money, if subscribed, would require a like subscription every four months for some years!! What then can be done? where are resources to be found? are the questions naturally demanded? Shall parliament, and ought parliament, to supply the money? The answer is obvious; parliament ought to supply the money, if all other resources should fail. It is far better, more consistent with

sound and enlightened policy, to supply the means of maintaining an industrious population, than a standing army!! The money would be better employed in giving the amount to the same number of men, or the same identical men in useful and public undertakings, than to men who are soldiers merely in name. The great public works of the Romans were in all probability performed by the Roman soldiers when they were not engaged in the active services of war. But the employment of soldiers, as soldiers, even in public works, would be a death-blow to the constitution of this country; a standing army of the very worst description. But it is not necessary to resort to parliament to find means for the employment of the poor. An ample fund is ready for the purpose, even without the aid of those various charities which are shamefully misapplied, and might be usefully appropriated to this great work of charity. This fund for employment, is the poor-rate itself!! "The poor-rate!" some will exclaim. "It is already too much burthened: it is the evil of which complaint is made. To increase the poor-rate is to add to the evil, not to alleviate it; still less to remedy it!"

First impressions are often erroneous. In common with others laboring in the same vineyard, the object of the writer of these observations is to diminish the poor-rate gradually, and, in the progress, to make that rate the means of exciting and employing industry, and to keep pauperism within the bounds of true charity; to leave none but the objects of the statute of Elizabeth a burthen on the poor-rate; to make all others who resort to that fund laborers for the public, and by their services to earn for the public the value of the money which the public shall expend on their labor.

Another and not the least important part of the plan, is to bring the idle, or those who look to the poor-rate as their property, into a condition to choose employment, rather than have it prescribed to them; to bargain for their labor, rather than to be dependent, and to have the price of their labor (since labor will be necessary) fixed by others. It is hoped and believed that the system would, at a period not far distant, leave the poor-rate without any other pensioners or claimants on the fund, than those who of necessity are proper objects of charity, and must be a burden on some fund; and none can perhaps be found more just than the poor-rate, after some modifications which should bring contributions from those who have the ability to assist in this work of charity. Whoever offers any plan for the alteration of a system, is in justice to the public bound to give a general outline of that plan, so far as to prove that the plan is feasible; that it is practicable; and that it is not exposed to the danger of innovation, and of becoming an evil greater than that which it proposes to remedy. "

The first part of the plan is to declare, and consequently enact, that the poor-rate has attained its maximum.

From this declaration there is expected the incalculable benefit of awakening the lower classes of the community to a sense of their condition, with a conviction, that the law opposes a systematic reliance on the poor-rate. It will teach them, that their industry is their property, their patrimony; that their independence, and even their subsistence, depend on their own exertions; that the system admits of no increase; that all the objects fastening themselves on the poor-rate cannot have more than a participation of this fund; that an increase in the number of paupers drawing their subsistence from the poor-rate must diminish the proportion of each pauper, and even were the rate to continue at its present enormous amount, an increase in the number of paupers would, like the increase of rats or mice in a barn, render that supply, which was abundant for a few, an insufficient store for many; that wretchedness and want must from necessity be the portion of those who had neglected to form habits of industry, and had foolishly calculated to eat the bread of idleness; bread designed for those only who are, or for them when they shall become, objects of a judicious and wholesome charity, which reserves in the shape of the tax levied under the name of poor-rate, the surplus earnings of industry or the abundance of wealth, for those alone who are the sick, the lame, the aged, and impotent; who were the proper and legitimate objects of charity, those for whom alone the statute of Elizabeth meant to provide, and in an especial manner for those who, by their labor and industry in their youth and in the vigor of health, have a claim to be supported in their old age and infirmity, by a generous and liberal public, who have profited by their labor, their industry, and also by their example.

The second part of the plan is to declare and enact, that in effect the poor-rate has attained an alarming magnitude, and ought to be gradually diminished. The excess in the poor-rate is supposed to be sixty per cent., or an increase from four millions, taken at a very large and liberal allowance for all the wants of charity, to ten millions annually.

To diminish the rate at once, would be productive of incalculable misery; would effect too sudden a change of system; would increase instead of diminishing distress; would excite rather than discourage pauperism; would multiply rather than reduce the number of paupers.

It would cause a redundancy of labor, a competition for employment, and its necessary attendant, a reduction in the value of labor and the just rate of wages; a mischief which cannot be too carefully avoided by those who wisely appropriate their real state of the country; or who have the means of tracing the real cause of a

very large proportion of pauperism to its actual and genuine source!!

But by an enactment that the poor-rate shall be gradually reduced, the system of calling the attention of those who possess industry, to a correct view of their condition, will, in the most effectual manner, be promoted. Active, healthy persons, seeing that the poor-rate is diminished, and is, by positive law, to experience a progressive reduction, will be led to reflect, that the rate cannot contribute to support them in idleness; that there are objects who stand in priority to them, and whose claims are to be, and in justice ought to be, preferred to any they can urge. This reflection will produce a great moral effect, a gradual change of system. It will call industry into action; lead to habits of economy; impress the duty of some savings to guard against accidents, the temporary suspension of employment, the day of necessity; and will induce a habit of economy and a spirit of independence. This change of system would enlist, and this is important and highly desirable, the parent against the child, in the great article of the necessity and morality of industry. Parents would be provident to guard their children against resort to a fund which would diminish the subsistence to which they the parents themselves were the first and rightful successors, if infirmity or accident should render them necessitous. The system would raise a spirit of pride, by making it a shame to children, able to earn their subsistence by means of labor, to partake of that loaf which was already, or would, at a period not far distant, be necessary for the support of their aged and helpless parents.

This spirit aided by the encouragement of individuals, by a liberal and judicious diffusion of knowledge among cottagers, &c. &c., of the means they possess of bettering their condition and increasing their comforts, would lead to the most useful and salutary results. It would gradually reduce, and ultimately annihilate the necessity of resorting to the poor-rate for relief, except in cases of actual necessity; except in those instances in which the relief would be requisite, and would be afforded and administered with cheerfulness, as a debt of justice to the individuals; as belonging to them by the provision of a just and wise law, and from that sense of duty which is implanted in the heart of man.

It is submitted, that the first enactment should be to the effect, that the average of the poor-rate of each parish during the last three years, should be taken as the maximum to be paid by that parish.

The regulations should be—That no parish, except by an order to be made by the Privy Council, or some other constituted authority, should at any time within the next twenty years contribute annually towards its poor-rate, more than the amount of that sum, or its amount under the reduced or graduated scale. That any offence in this particular should subject the offending parish to

the payment of a double rate, for the next three years; such increase to be added to that fund for the employment of labor, of which notice will afterwards be taken; and that the poor-rate of each parish should annually, in the next twenty years, be reduced in amount at the rate of at least three pounds on one hundred pounds in each year.

The first branch fixes the maximum; the second branch provides for the reduction by very easy steps. It contemplates, that at the end of twenty years the poor-rate should be brought back to about four millions a year. It does not prescribe, nor is it meant to prescribe, that the poor-rate should be kept up to the maximum in the first year, or to the full amount of the graduated scale in the succeeding years.

Should circumstances admit, the rate may be reduced at an earlier period, and in a greater degree: and it is confidently expected, that it will graduate to a low scale much earlier than would occur to the minds of those who do not easily perceive how readily a change in system will produce its beneficial effects.

In particular districts, circumstances which cannot be easily defined, and which no human wisdom can foresee, or any general system prevent or control, may call for a relaxation of the law; and the Privy Council, or some other body, may be entrusted with the power of relaxing the law, when urgent necessity may require that it should not be enforced.

On the other hand, a departure from a law of policy ought to be visited with a penalty, to guard against similar offences, and make those who contravene the law examples of folly, and contributors towards the system, in the like degree as they have defeated its operation, or attempted to impair or retard its effect.

The third part of the plan is to provide employment for industry.

To withdraw the assistance of the poor-rate from men who, by habit or from necessity, have been led to depend on that rate for support, without finding them employment as the means of subsistence, would not be a just or humane regulation; perhaps, all things considered, it would not be a wise or politic enactment. There should be subjects for the employment of labor, and the means of paying for the employment of that labor. This labor should, from choice, be on subjects which do not call for the ordinary application of labor. The sources of new labor should be created, so that the created subjects may afford employment to the surplus labor of the country till that surplus labor shall be called into action for the ordinary and general occasions of society.

By withdrawing this surplus labor from ordinary demands, the labor which, during the period of want, was employed on these

subjects, would obtain a full and regular demand, at prices regulated by the change in the prices of the necessities of life and the means of subsistence.

At a moderate computation, more than one-half of the poor-rate is drawn by persons who are able to work and to earn a livelihood, but cannot find employment; or at least they cannot find employment on such terms as will supply the means of subsistence.

The persons who depend on the poor-rate by necessity for part of the means of support, quickly degenerate into paupers of the worst description; paupers who, hurled from the independence and honest satisfaction of living on the fruits of their own labor, as a just reward for their industry, feel that they are degraded; that they have lost their station in society; that they are no longer independent members of the state, but are pensioners on the poor-rate.

The transition in their mind is easy; they cannot be more than paupers, though they draw all their subsistence from that rate, or though they place their children in the parish workhouse.

The children, paupers from their birth or from their early youth, look to the poor-rate as a patrimony, a birth-right; they are children of the system, heirs in succession to this tax. With them, and in their minds, the tax is a property. Instead of shame in resorting to it, their very education leads them to this fund as an expectancy, as certain, as rightful, as the succession of a child to the inheritance of his ancestors.

Few can extricate themselves from the thralldom, the misery, the wretchedness of this system. Hence the increase, hence the vice of pauperism. The sentiments which lead to a dependence on, and to an expectation of the rate, is the very origin and cause of the evil to the poor themselves; foresight is abandoned, provision for the future neglected, and habits of idleness and a dependence on the poor-rate assume the place of habitual industry, of prudent economy. The pride of honest independence, the fear, the shame, and disgrace of becoming pensioners on the poor-rate, give place to sloth, to wretchedness, and depravity.

Our ancestors, watching the temper of the times, felt the necessity of correcting the evil. They formed the system of work-houses, houses of industry, and of badges; and it was a mistaken humanity which withdrew the power of working those whose vices or idleness fastened them for support on the industry and even the subsistence of others.

Supposing the poor-rate to be ten millions; upwards of three millions are expended annually for the assistance or the support of families, who have a member in that family capable of working and earning an honest livelihood, unless labor be reduced in value be-

low a just rate; and wretched must be the policy of that country, in which any state of things shall deny to industry the means of subsistence, and even of maintaining a family of four members with the necessaries of life.

An injury also of the present system is, that it increases the abundance of the wealthy, and the poverty of the needy. The wealthy farmer with the command of capital is the principal employer of labor; and therefore part of the value of the labor employed on his land is contributed by the poorer farmers, who are hastening rapidly into the condition of paupers, and cannot, for the want of capital and the daily increase of the pressure of the poor-rate, afford to employ that labor which would be useful to them, and even return to them the expenditure with a profit, and thus relieve their difficulties. To counteract this state of things, is the object of this third part of the plan.

It is recommended that one-third part, or some just proportion, of the poor-rate of each parish should, during the next 20 years, or so much of that period as may be necessary, be a fund for the employment of labor; that each parish shall remit its proportion to the treasurer of the county; and that the several annual contributions shall form one aggregate fund. The sum may be estimated at 3 millions for the first year, and graduating annually in a reduced scale to 1,300,000*l.*: this sum, taken at an average would be 1,500,000*l.* a year, to be expended in labor; and, at 1 shilling and sixpence per day, or 9 shillings per week, or say 25 pounds a year, it would employ about 60,000 men annually, and a proportion of women; and three women may be computed as equal in point of expense to two men. It would be politic to reckon on three months of the year, the season of hay and corn harvest, as providing adequately for the surplus labor of the country:— this would reduce the average expense of each individual to 18 pounds and a fraction; and during these months there might be a suspension of the public works on which the surplus labor is to be employed; thus making the public employment of labor subservient to the important object of collecting the harvest. Three millions annually at the commencement would be a fund for the employment of about 120,000 men; or a larger proportion of individuals, including females among the number; and the average number during the 20 years would be about 90,000 persons. Employment to this extent would take off the surplus of labor; would put the residue of industry in a state of full-demand, and raise the price of labor to a just standard of value.

The expenditure would give a proper circulation to money; it may be applied and returned in the same circle, and call all the various branches of industry into a state of activity and open employment for all, giving the substance, as well as the appearance, of an useful population, and a thriving contented people.

The conversion of idleness into industry would, in its effect and its example, realize the best wishes of the philanthropist and of the true patriot. To make this labor useful, and the expenditure profitable and beneficial, instead of being destructive to the morals of the people, and the bane of society, should be the next object of attention. Public undertakings alone will answer the purpose. Local, and parish, and even public works generally terminate in a job, in a system of partiality and favoritism. Society is unfortunately so constituted; the system of *selfism* is so interwoven in the heart of man, that this evil cannot be avoided. Human wisdom must place around a measure of this sort, all the guards of which it is susceptible. Parishes would carry on the system without sufficient attention to national utility; or to the ultimate result of a general plan.

The country affords ample scope for employment of labor; of that labor which may be converted to profit. Individuals have still abundant scope for the employment of labor in their own districts for their own emolument, or for the exercise of benevolence in making their wealth the means of encouraging industry, and of giving employment; the very best of charities.

To the land proprietor, Dr. Richardson has in a recent work opened a wide field for a beneficial employment of labor, on the soil. Other works, presented to the Board of Agriculture for their premium, are likely to give additional and useful hints for employment on other subjects of labor.

Irrigation alone, undertaken on a large and extensive scale, would enable wealthy individuals to employ a large portion of labor in the most beneficial manner; and the labor of these operations may be performed by those who can wheel or carry a barrow, or load a cart with earth; in short, such labors may be performed without any previous employment in that species of work, &c.

The work on rail roads and canals, &c. &c., is to a great extent of the same description, requiring no skill, nor any other qualification than strength, and that activity which the very employment will quickly induce.

After the fund shall be in the hand of the treasurer of the county, it should be applied to purposes, in which the county may be interested; in opening communications to the sea, to markets, and to manure, in those districts most especially requiring such improvements; in short, on those objects, whatever they may be, on which the expenditure could be employed most usefully and most advantageously to the county, and in the result to the prosperity of the empire at large.

To guard against partiality to a great and inconvenient degree, any two, three or more hundreds, should be at liberty to unite and fix the destination and application of the amount of their

contributions; thus commanding and ensuring a benefit in which they had an interest, and providing a check on the misapplication of the fund to purposes from which no benefit, or no other than a remote benefit, would arise to them. The expenditure of the fund in different districts, as near as may be to the residence of the persons to be employed, is an object; since the district for whose use the expenditure is to be made, and the persons to be employed, would be most benefited by this arrangement. Besides, each district would by these means be encouraged to find employment within the district; since the inhabitants of the district would have an immediate and direct interest in promoting an expenditure near to their residence, rather than at a distance.

Works of extensive utility, such as canals, rail-roads, new lines of roads, or the direction of roads into more eligible lines and on better levels, might be carried on at different parts of each county at one and the same time, with very little if any change in the residence of the laborers to be employed.

These laborers would thus be at hand to assist in case of emergency in the dispatch of the important works of hay and corn harvest.

All works however should have general, and not partial, county or district objects, and not employment for individuals; and therefore they should be founded on a plan to be submitted to a bench of magistrates, and approved by them; consisting of two at least of the magistrates resident in each hundred of that county within which the work is to be performed; and two or more counties should be at liberty to unite and form any plan in which they had a general and common interest as a body, and so as not to abridge but rather encourage employment by individuals for their own particular purposes. The work should be carried on under estimates, and with contracts to be proposed, on the principle of open competition. The contracts to be entered into with the justices; and in these contracts the magistrates should consent to supply the surplus of the labor of the district, at given rates of pay for each man and each woman per day. The work to advance in proportion to the labor supplied. The hours of work to be fixed. The work to commence after the first quarter's payment of the fund shall be in hand. Thus money would be ready for regular and punctual payment to the contractor, and through him to the laborers. As each parish must contribute its quota, whether it did or did not send its complement of men to the work, no parish would keep on the books of its poor, any laborers who could be usefully employed by the parishioners, or on this public undertaking; or, if it acted so indiscreetly, it would bear the burthen of its own imprudence and folly, without reaping any equivalent from this part of its expenditure.